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Item 134 of the provisional agenda*
Proposed programme budget for the biennium 2016-2017

Request for a subvention to the United Nations Institute for Disarmament Research resulting from the recommendations of the Board of Trustees of the Institute on the work programme of the Institute for 2016-2017

Note by the Secretary-General

Summary

In section IV, paragraph 2, of its resolution 60/248, the General Assembly endorsed the proposal that the request for a subvention to the United Nations Institute for Disarmament Research (UNIDIR) be submitted for review and approval by the Assembly on a biennial basis in the context of its consideration of the proposed programme budget for the related biennium.

In that context, and in accordance with the provisions of the statute (see resolution 39/148 H, annex, article VIII, para. 3) and the recommendations of the Board of Trustees of the Institute, the General Assembly is requested to approve the proposed subvention in the amount of $584,600 for UNIDIR from the regular budget of the United Nations for the biennium 2016-2017. The related provision is included under section 4, Disarmament, of the proposed programme budget for the biennium 2016-2017 (A/70/6 (Sect. 4)).

The General Assembly's attention is drawn to paragraph 39 of the report of the Secretary-General on the work of the Advisory Board on Disarmament Matters (A/70/186).

* A/70/150.

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1. At its sixty-fourth session, held from 29 June to 1 July 2015, the Advisory Board on Disarmament Matters, in its capacity as the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR), approved, for submission to the General Assembly, the report of the Director of the Institute on its activities for the period from January to December 2014 and the proposed programme of work and estimated resource requirements for 2015 and 2016 (see A/70/177). The present report is submitted to the Assembly in the context of its consideration of a subvention to UNIDIR for 2016-2017 from the regular budget of the United Nations. As a result of the timing of the preparation of the two reports, the financial information contained in the annexes to the present report is consistent with that in the report of the Director. Updated financial information of the Institute, resulting from the introduction of UMOJA and full implementation of IPSAS, will be provided to the Advisory Committee on Administrative and Budgetary Questions at the time of its review of the present report.

2. In the aforementioned report of the Director, the Board of Trustees emphasized the observations and recommendations contained in that report, in particular those in paragraphs 23 to 30 regarding the next steps for Member States to ensure the sustainability of the Institute. In this regard, attention is drawn to paragraph 39 of the report of the Secretary-General on the Work of the Advisory Board on Disarmament Matters (A/70/186).

3. The proposed programme budget of the United Nations for the biennium 2016-2017, under section 4, Disarmament (A/70/6 (Sect. 4)), contains a provision of $584,600, representing the proposed United Nations subvention to UNIDIR for the biennium. Pursuant to General Assembly resolution 69/264, this amount will be subject to recosting in accordance with the established procedures.

4. Under section IV of General Assembly resolution 44/201 B, entitled "Subvention from the regular budget to the United Nations Institute for Disarmament Research", the Secretary-General is required to report annually to the Assembly on the situation of the Institute. In this context, the financial situation of the Institute (details of which are included in annexes I to II of the present note) may be summarized as follows:

(a) Funds available at the beginning of 2015 amounted to $1,603,900. Those funds are already committed in accordance with donor agreements;

(b) Total income for 2015 is estimated at $3,165,000 from the following sources: voluntary contributions and public donations ($2,802,500); interest and miscellaneous income ($27,900); inter-organizational contributions ($30,800); and the subvention from the United Nations regular budget ($303,800). It is also estimated that, of the total voluntary contributions and public donations, approximately 85 per cent will be used for special projects and 15 per cent for other purposes, including administrative costs;

(c) Total expenditure for 2015 is estimated at $2,785,500, including a provision of $143,200 for programme support costs. Requirements for 2016 are estimated at $2,968,600, inclusive of $147,700 for programme support costs;

(d) Available funds at the beginning of 2016 are estimated at $1,961,100. Those funds are already committed in accordance with donor agreements.

5. Estimates of income from voluntary contributions, broken down by country (see A/68/80, annex III) are not included in the present note. This is in line with the report of the Director of UNIDIR on the activities of the Institute for the period from January to December 2014 and the proposed programme of work and financial plan for 2015 and 2016, which bases revenue estimates on the average of the past six years with a projected increase of 1 per cent. In the absence of agreed funding commitments, a country-by-country estimate cannot be provided in advance.

6. It is recalled that the General Assembly, in its resolution 60/248, endorsed the proposal that the request for a subvention to the Institute be submitted for review and approval by the Assembly on a biennial basis in the context of its consideration of the proposed programme budget for the related biennium.

7. **Accordingly, the General Assembly is hereby requested to approve a subvention to UNIDIR of $584,600 (before recosting) from the regular budget of the United Nations for the biennium 2016-2017, the provision for which has been included under section 4, Disarmament, of the proposed programme budget for the biennium 2016-2017.**

Annex I

Income and expenditure estimates for 2015-2016

(Thousands of United States dollars)

Item	*2015 (estimates)*	*2016 (estimates)*
A. Funds available at the beginning of the year	1 603.9[a]	1 961.0[a]
B. Income:		
Voluntary contributions and public donations	2 802.5[b]	2 870.4[c]
Subvention from the United Nations regular budget	303.8	292.3[d]
Other inter-organizational contributions	30.8[b]	34.3
Interest and miscellaneous income	27.9	30.4
Total income	**3 165.0**	**3 227.4**
C. Total funds available	4 768.9	5 188.4
D. Prior period adjustments	3.1	0.3
E. Refunds to donors	41.1	48.0
F. Prior period obligations	15.7	18.4
G. Expenditure	2 785.5	2 968.6
H. Fund balance at end of year	**1 961.1**	**2 190.5**

[a] These funds are already committed in accordance with donor agreements.

[b] Projections for 2015 are based on the average for 2009-2014, plus 1 per cent (except for the subvention from the regular budget, interest income and institutional staff costs).

[c] Projections for 2016 are based on the average for 2010-2015, plus 1 per cent (except for the subvention from the regular budget, interest income and institutional staff costs).

[d] Represents 50 per cent of the subvention provided for in the proposed programme budget for the biennium 2014-2015, pending recosting for the biennium 2016-2017.

Annex II

Estimated resource requirements for 2015-2016

(Thousands of United States dollars)

Resource requirements	*2015[a] (estimates) (1)*	*2016[a] (estimates) (2)*	*Increase/ decrease (2-1)*
A. Direct administrative costs:			
Institutional costs:			
Staff and other personnel costs	991.7	1 167.6	175.9
Institutional travel	15.9	15.2	(0.7)
Other operating expenses	57.4	60.7	3.3
Project-related costs:			
Staff and other personnel costs	1 246.5	1 238.7	(7.8)
Travel	126.1	123.1	(3.0)
Contractual services	79.2	72.7	(6.5)
Acquisition	15.9	14.9	(1.0)
Fellowships, grants and others	109.7	128.0	18.3
Total A	**2 642.4**	**2 820.9**	**178.5**
B. Programme support costs:			
(5 per cent of total A, less United Nations subvention)	143.2	147.7	4.5
Total expenditure (A + B)	**2 785.6**	**2 968.6**	**183.0**
C. Operating cash reserve:			
(15 per cent of expenditure on contributions other than from the European Union, less United Nations subvention and 5 per cent on contributions from the European Union)	271.8	303.0	31.2
Grand total (A + B + C)	**3 057.4**	**3 271.6**	**214.2**

[a] These figures may be increased upon confirmation of current funding proposals.

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Seventieth session
Item 79 of the provisional agenda*
Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

The annual report of the International Criminal Court on its activities for 2014/15 is submitted herewith to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of General Assembly resolution 69/279.

* A/70/150.

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Report of the International Criminal Court on its activities in 2014/15

Summary

During the reporting period, the International Criminal Court faced a heavy workload. The Office of the Prosecutor conducted preliminary examination activities in 10 situations (Afghanistan, the Central African Republic, Colombia, Georgia, Guinea, Honduras, Iraq, Nigeria, Ukraine and State of Palestine) and opened a new investigation into the situation in the Central African Republic.

In the Court's first appeals judgments on the merits, the Appeals Chamber confirmed the verdict and sentence against Thomas Lubanga for the war crimes of enlisting and conscripting of children under the age of 15 years and using them to participate actively in hostilities, and upheld the acquittal of Mathieu Ngudjolo Chui, both in the situation in the Democratic Republic of the Congo. Charges against Laurent Gbagbo and Charles Blé Goudé were confirmed in the situation in Côte d'Ivoire. Dominic Ongwen was the first suspect to appear before the Court with regard to the situation in Uganda, following his transfer to the Court on 21 January 2015.

In total, the Court is currently seized of 21 cases and eight situations (Central African Republic I and II, Côte d'Ivoire, the Democratic Republic of the Congo, Kenya, Libya, Mali, Darfur (the Sudan) and Uganda.

In institutional developments, seven new judges were elected and Judge Silvia Fernández de Gurmendi (Argentina) was elected President of the Court. The Assembly of States Parties to the Rome Statute elected Sidiki Kaba (Senegal) as its new President.

Arrest warrants issued by the Court remain outstanding against 12 individuals:

(a) Côte d'Ivoire: Simone Gbagbo, since 2012;

(b) Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;

(c) Kenya: Walter Barasa, since 2013;

(d) Libya: Saif Al-Islam Gaddafi, since 2011;

(e) Darfur (the Sudan): Ahmad Harun and Ali Kushayb, since 2007; Omar Al Bashir, since 2009; Abdel Raheem Muhammad Hussein, since 2012; and Bahar Idriss Abu Garda, since 2014;

(f) Uganda: Joseph Kony, Vincent Otti and Okot Odhiambo, since 2005.

The Court referred two findings of non-cooperation to the Security Council during the reporting period in relation to the situation in Darfur, the Sudan, and one finding in relation to the situation in Libya.

It is expected that 2016 will be a very busy year for the Court, with the unprecedented number of four trials taking place simultaneously. Those trials alone cover alleged crimes involving more than 10,000 victims, reflecting the fact that the scope of cases at the Court is typically far broader than that of trials in national jurisdictions.

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I. Introduction

1. The present report, covering the period from 1 August 2014 to 31 July 2015, is submitted to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court.[1]

2. Since it would be impossible to cover all relevant developments within the report owing to its limited length, hyperlinks are provided in the electronic version of the report to pages on the Court's website, where detailed information is available on the situations and cases.

II. Update on judicial and prosecutorial activities

A. Preliminary examinations

3. During the reporting period, the Office of the Prosecutor opened a preliminary examination of the situation in the State of Palestine, continued preliminary examinations in Afghanistan, Colombia, Georgia, Guinea, Honduras, Iraq, Nigeria and Ukraine and concluded its preliminary examination in the Central African Republic as well as in the "Gaza Freedom Flotilla" incident, referred to the Prosecutor by the Government of the Comoros. The Office published a report on its preliminary examination activities on 2 December 2014.

4. The Office continued to analyse information received from various sources alleging the commission of crimes potentially falling within the Court's jurisdiction. From 1 August 2014 to 30 June 2015, the Office received 520 communications relating to article 15 of the Rome Statute, of which 383 were manifestly outside the Court's jurisdiction; 36 were unrelated to current situations and warranted further analysis; 68 were linked to a situation already under analysis; and 33 were linked to an investigation or prosecution.

1. Afghanistan

5. The Office of the Prosecutor continued to gather and verify information on alleged crimes committed in the situation in Afghanistan and to refine its legal analysis of potential cases for the purposes of assessing admissibility. In particular, the Office took successful steps to verify information received concerning incidents in relation to potential cases in order to overcome information gaps regarding, inter alia, the attribution of incidents, the military or civilian character of a target and the number of civilian and/or military casualties resulting from a given incident or the link of alleged crimes to the armed conflict in Afghanistan.

6. The Office further engaged with relevant States and cooperation partners with a view to assessing alleged crimes and national proceedings, and gathered and received information on national proceedings in order to reach a decision on whether to seek authorization from the Pre-Trial Chamber to open an investigation of the situation in Afghanistan.

7. Pursuant to the its policy on sexual and gender-based crimes, the Office examined, in particular, whether there was a reasonable basis to believe that the

[1] United Nations, *Treaty Series*, vol. 2283, No. 1272.

crime against humanity of persecution on gender grounds had been or was being committed in the situation in Afghanistan.

2. Central African Republic

8. On 12 June 2014, the authorities of the Central African Republic submitted a referral to the Prosecutor of the situation in that country since 1 August 2012. On 24 September 2014, the Office published an article 53 (1) report, concluding that there was a reasonable basis to proceed with an investigation into the Central African Republic II situation, and announced the opening a new investigation in the Central African Republic.

3. Colombia

9. The Office of the Prosecutor continued to consult with the authorities of Colombia and with stakeholders on issues relevant to the preliminary examination. The Office conducted missions to Bogota, gathered additional information on the areas of focus of the preliminary examination, analysed information submitted through article 15 communications and held numerous meetings with national and international stakeholders. In May, the Office met in The Hague with the Special Representative of the Secretary-General on Sexual Violence in Conflict to discuss her conclusions after her first visit to Colombia, in March 2015.

10. The Office continued to analyse the relevance and genuineness of a large number of national proceedings in order to reach determinations on admissibility. In that context, the Office kept abreast of ongoing negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia — People's Army and contributed to public discussions on accountability and transitional justice. The Office continued to consult closely with the Colombian authorities to ensure that genuine national proceedings are carried out against those most responsible for the most serious crimes.

4. Georgia

11. The Office of the Prosecutor continued to actively engage with relevant stakeholders and requested updated information on national proceedings that would enable it to conduct a comprehensive and accurate assessment of the admissibility of potential cases identified at that stage of analysis. In that process, the Office received support and continuous cooperation from Georgia, the Russian Federation and other stakeholders, including civil society organizations, the Parliamentary Assembly of the Council of Europe and the European Court of Human Rights.

12. The Office conducted a mission to Tbilisi to gather updated information on concrete investigative steps taken by the Office of the Chief Prosecutor of Georgia. The Office of the Prosecutor is analysing the information received in order to reach a decision in the near future on whether to seek authorization from the Pre-Trial Chamber to open an investigation of the situation in Georgia.

5. Guinea

13. The Office of the Prosecutor continued to actively follow national proceedings relating to the events of 28 September 2009 and to mobilize stakeholders in order to support the justice efforts of the Guinean authorities. The Office met with the

judicial expert supporting the panel of judges to follow up on the progress of the investigation and to discuss issues relating to sexual crimes and the protection of victims and witnesses.

14. The Prosecutor visited Conakry in July to take stock of the progress made in the national proceedings and conveyed a preventive message to deter potential incidents of violence in the context of the presidential elections of October 2015.

6. Honduras

15. The Office of the Prosecutor focused its preliminary examination on the alleged crimes committed since the presidential inauguration of 2010 throughout the country, including the Bajo Aguán region. In that context, the Office sought and analysed information from multiple sources, including the Inter-American Commission on Human Rights, the United Nations system, local and international non-governmental organizations, article 15 communications and information submitted on behalf of the Government of Honduras.

16. The Office aims to reach a determination in the near future on whether the reported acts constitute crimes within the jurisdiction of the Court.

7. Registered vessels of Cambodia, the Comoros and Greece

17. On 6 November 2014, the Prosecutor announced that the information available to her did not provide a reasonable basis to proceed with an investigation of the situation on the registered vessels of Cambodia, the Comoros and Greece that arose in relation to the incident relating to the "Gaza Freedom Flotilla". That conclusion was based on a thorough legal and factual analysis of the information available and pursuant to the requirement in article 17 (1) (d) of the Rome Statute, that cases shall be of sufficient gravity to justify further action by the Court.

18. On 29 January 2015, the representatives of the Government of the Comoros filed an application for review of the Prosecutor's decision not to proceed, pursuant to article 53 (3) (a) of the Statute, which was granted on 16 July by Pre-Trial Chamber I; the Chamber requested the Prosecutor to reconsider the decision. The Prosecutor has appealed the Pre-Trial Chamber's decision.

8. Nigeria

19. The Office of the Prosecutor continued its analysis of alleged war crimes committed by Boko Haram and by the Nigerian security forces in the context of the armed conflict in Nigeria. It requested additional information in order to refine its identification of potential cases so that it could assess whether the national authorities were conducting genuine proceedings in relation to those most responsible for such crimes, as well as the gravity of such crimes. In reaction to reports about escalating violence in Nigeria, the Prosecutor issued a statement in January 2015.

20. In relation to the holding of general and state elections in Nigeria in March and April 2015, the Prosecutor undertook a range of activities to prevent the commission of Rome Statute crimes. They included the issuance of public statements, a mission to Abuja, targeted media interviews and consultations with international and Nigerian stakeholders.

9. State of Palestine

21. On 1 January 2015, the Government of the State of Palestine lodged a declaration accepting the jurisdiction of the Court over alleged crimes committed "in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014".[2] In accordance with regulation 25 (1) (c) of the Regulations of the Office of the Prosecutor, and following policy and practice, on 16 January 2015, the Prosecutor announced the opening of a preliminary examination into the situation in the State of Palestine in order to establish whether the Rome Statute criteria for opening an investigation had been met.

10. Iraq

22. Having reopened the preliminary examination on the situation in Iraq on 13 May 2014, the Office of the Prosecutor began verifying and analysing the seriousness of the information received, in accordance with article 15 (2) of the Rome Statute. Notwithstanding the fact that Iraq is not a State party to the Statute, the Court has jurisdiction over alleged crimes committed on the territory of Iraq by nationals of States parties. The preliminary examination focuses on alleged crimes attributed to the armed forces of the United Kingdom of Great Britain and Northern Ireland deployed in Iraq between 2003 and 2008. The Office also gathered information on relevant national proceedings during the reporting period.

23. The Office was in close contact with the senders of the article 15 communications, namely, the European Centre for Constitutional and Human Rights and public interest lawyers, as well as the Government of the United Kingdom, in order to discuss the Office's preliminary examination process, policies and analysis requirements and the provision of relevant additional information.

11. Ukraine

24. The preliminary examination has focused on the gathering of information from reliable sources to assess whether the alleged crimes fall within the subject-matter jurisdiction of the Court. The Office of the Prosecutor engaged with representatives of Ukrainian civil society to gather information relevant for that assessment.

25. Additionally, the Office requested information from the Government of Ukraine and subsequently received three submissions, which it is analysing.

26. The Office conducted missions to Kyiv to follow up with the relevant Ukrainian authorities and other actors on matters relating to the preliminary examination.

B. Situations and cases

27. During the reporting period, 4,002 victims were admitted to participate in proceedings before the Court. The Court also received 1,669 new applications for the participation of victims and 1,017 applications for reparations.

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[2] Available from www.icc-cpi.int/iccdocs/PIDS/press/Palestine_A_12-3.pdf.

1. Situation in the Democratic Republic of the Congo

Investigations

28. The Office of the Prosecutor continued its investigation and work in support of the ongoing cases. It conducted 44 missions to six countries in relation to its investigation and trial preparation in the case against Bosco Ntaganda for the purpose of, inter alia, collecting evidence, screening and interviewing witnesses and securing continued cooperation. Additionally, the Office, on various occasions, requested the lifting of restrictions on the documents of the United Nations and other sources that it intended to use during trial and sought the assistance of the United Nations and other partners in making available former staff members to testify at the trial.

29. The Office conducted missions to two countries for its investigations relating to alleged crimes committed by the Forces démocratiques pour la libération du Rwanda in the Kivu provinces. Furthermore, the Office actively followed developments in the Democratic Republic of the Congo and the wider region, including disarmament, demobilization and reintegration efforts supported by the United Nations, to evaluate and foster prospects for the arrest or surrender of Sylvestre Mudacumura.

30. The Office also conducted several missions relating to the request for interim release filed by Thomas Lubanga.

31. Beyond the existing cases, active examination of alleged crimes and potential cases in the Democratic Republic of the Congo continued. The Office of the Prosecutor continued proactive discussions with the authorities of the Democratic Republic of the Congo on closing the impunity gap and fostering support for national investigations and investigations by third States into those crimes.

Judicial proceedings

The Prosecutor v. Thomas Lubanga Dyilo

32. On 1 December 2014, the Appeals Chamber confirmed the verdict declaring Thomas Lubanga Dyilo guilty and the decision sentencing him to 14 years of imprisonment, which are now final. Reparation proceedings in the case are pending following the 3 March 2015 judgment of the Appeals Chamber, which amended the Trial Chamber's order for reparations and instructed the Trust Fund for Victims to present a draft implementation plan for collective reparations to Trial Chamber I.

The Prosecutor v. Germain Katanga

33. On 25 June 2014, the Defence for Germain Katanga and the Office of the Prosecutor discontinued their appeals against the judgment in the Germain Katanga case, which sentenced Mr. Katanga to a total of 12 years of imprisonment. The judgment has therefore become final. Proceedings on possible reparations to victims are pending.

The Prosecutor v. Mathieu Ngudjolo Chui

34. On 27 February 2015, following an appeal by the Prosecutor, the Appeals Chamber confirmed, by majority, the judgment of 18 December 2012 of Trial

Chamber II acquitting Mathieu Ngudjolo Chui of charges of crimes against humanity and war crimes.

The Prosecutor v. Bosco Ntaganda

35. Following the confirmation of charges against Bosco Ntaganda on 9 June 2014, the opening statements in the trial are scheduled to take place from 2 to 4 September 2015 before Trial Chamber VI.

2. Situation in the Central African Republic

Investigations

36. On 24 S ·mber 2014, the Prosecutor announced the opening of a second investigation he Central African Republic, following a referral by the Government ı ..ding crimes within the Court's jurisdiction allegedly committed since 1 Augus _012.

37. The Office of the Prosecutor was focusing its investigations on alleged crimes committed by various actors, including by the armed groups known as the Séléka and the anti-Balaka.

38. The Office conducted 35 missions to eight countries to collect evidence. Strong cooperation from the Government is ongoing. Cooperation with the United Nations and its agencies in the Central African Republic and the wider region is also ongoing and should continue. Efforts to enhance cooperation with countries in the region has been a priority for the Office since the opening of the investigation.

39. The Office encouraged national proceedings in relation to all parties to the conflict and closely followed developments on the establishment of a Special Criminal Court for the Central African Republic.

Judicial proceedings

The Prosecutor v. Jean-Pierre Bemba Gombo

40. The closing oral statements for the case took place on 12 and 13 November 2014. The judges have been deliberating and the judgment will be pronounced in due course.

The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido

41. On 11 November 2014, Pre-Trial Chamber II partially confirmed the charges of offences against the administration of justice for the five suspects and committed them to trial. The opening of the trial before Trial Chamber VII is scheduled for 29 September 2015.

3. Situation in Uganda

Investigations

42. The Office of the Prosecutor conducted 29 missions to obtain further evidence with a view to bringing additional charges against Dominic Ongwen. In particular, the Office was investigating crimes of sexual and gender-based violence and the recruitment and use of child soldiers. The Office was ordered by the Pre-Trial

Chamber to notify Mr. Ongwen and his defence team by 21 September 2015 of any new charges it intended to bring.

43. The Office continued to work with the Government of Uganda to verify reports that the suspect Okot Odhiambo may have been killed between October and December 2013.

Judicial proceedings

The Prosecutor v. Dominic Ongwen

44. Dominic Ongwen was surrendered to the Court's custody on 16 January 2015 and transferred to the Court's Detention Centre on 21 January 2015. His initial appearance took place on 26 January 2015; the opening of the confirmation of charges hearing was scheduled for 21 January 2016.

4. Situation in Darfur (the Sudan)

Investigations

45. The Office of the Prosecutor conducted 20 missions to nine countries and continued to monitor trends that could constitute crimes under the Rome Statute, including alleged aerial bombardments, ground attacks, common crimes, killings, attacks on civilians, sexual violence, forced displacement, attacks on humanitarian aid workers and peacekeepers and arbitrary detentions.

46. In her December 2014 report to the Security Council, the Prosecutor explained that she had decided to hibernate the investigations in Darfur because of the Council's lack of commitment to supporting the work of the Office in a situation it had referred to the Office. The decision in no way means that the Office has abandoned the cases in Darfur. The arrest warrants issued against the suspects remain outstanding and must be executed.

Judicial proceedings

The Prosecutor v. Omar Hassan Ahmad Al Bashir

47. On 9 March 2015, Pre-Trial Chamber II found that the Sudan had failed to cooperate with the Court by deliberately refusing to liaise with it and to execute the pending requests for the arrest and surrender of Omar Hassan Ahmad Al Bashir. The Chamber referred the finding of the non-cooperation of the Sudan to the Security Council.

The Prosecutor v. Abdallah Banda Abakaer Nourain

48. On 11 September 2014, Trial Chamber IV issued an arrest warrant against Abdallah Banda Abakaer Nourain because of the lack of guarantee that the accused would be in a position to surrender voluntarily, and vacated the previously scheduled trial date. On 3 March 2015, the Appeals Chamber rejected Mr. Banda's appeal against the decision replacing the summons to appear by a warrant of arrest.

The Prosecutor v. Abdel Raheem Muhammad Hussein

49. On 26 June 2015, Pre-Trial Chamber II found that the Sudan had failed to cooperate with the Court by deliberately refusing to liaise with it and execute the

pending requests for the arrest and surrender of Abdel Raheem Muhammed Hussein. The Chamber referred the finding of the non-cooperation of the Sudan to the Security Council.

5. Situation in Kenya

Investigations

50. The Office of the Prosecutor continued to receive information on the commission of crimes against humanity during the post-election violence in 2007/08, and conducted 19 missions to five countries.

51. The Office continued to investigate alleged instances of individuals attempting to obstruct, interfere with or discourage Prosecution witnesses from giving evidence in the ongoing trial of William Samoei Ruto and Joshua Arap Sang, contrary to article 70 of the Statute.

Judicial proceedings

The Prosecutor v. William Samoei Ruto and Joshua Arap Sang

52. The trial, which started on 10 September 2013, continued during the reporting period. The accused appeared voluntarily before the Court.

The Prosecutor v. Uhuru Muigai Kenyatta

53. On 3 December 2014, Trial Chamber V (b) issued a decision rejecting the application for referral of the matter to the Assembly of States Parties of the cooperation of Kenya. As at the end of the reporting period, the Prosecutor's appeal against the decision was pending.

54. On 5 December 2014, the Prosecutor filed a notice to withdraw charges against Mr. Kenyatta, following which Trial Chamber V (b) decided on 13 March 2015 to terminate the proceedings in the case.

6. Situation in Libya

Investigations

55. The Office of the Prosecutor conducted 13 missions in seven countries and continued to monitor allegations of crimes committed by militias and armed groups in Libya.

56. The Office called for accountability for the use of violence against civilians and civilian institutions by the Islamic State of Iraq and the Levant (ISIL) (also known as Da'esh) and other actors in Libya. The Security Council also called for accountability for such violence in its resolution 2213 (2015). The Office considers that the Court's jurisdiction over Libya, granted by resolution 1970 (2011), prima facie extends to such crimes.

Judicial proceedings

The Prosecutor v. Saif Al-Islam Gaddafi

57. On 10 December 2014, Pre-Trial Chamber I issued a finding of non-compliance by the Government of Libya with respect to the non-execution of

two requests for cooperation transmitted by the Court. The Chamber decided that the matter should be referred to the Security Council.

7. Situation in Côte d'Ivoire

Investigations

58. The Office of the Prosecutor continued its preparation for trial and conducted 42 missions to seven countries to collect additional evidence, screen and interview or re-interview witnesses and secure the continued cooperation of partners.

59. In parallel, the Office increased significantly its efforts to collect information on and foster support for its investigation in relation to other alleged crimes committed in Côte d'Ivoire, covering other parties to the conflict.

Judicial proceedings

The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé

60. Charges against Laurent Gbagbo and Charles Blé Goudé were confirmed on 12 June 2014 and 11 December 2014, respectively. On 11 March 2015, Trial Chamber I joined the two cases in order to ensure the efficacy of proceedings. The opening of the trial was scheduled for 10 November 2015.

The Prosecutor v. Simone Gbagbo

61. On 11 December 2014, Pre-Trial Chamber I rejected the Government's challenge to the admissibility of the case and reminded Côte d'Ivoire of its obligation to surrender Simone Gbagbo to the Court without delay. On 27 May 2015, the Appeals Chamber confirmed the decision of Pre-Trial Chamber I declaring the case against Ms. Gbagbo admissible before the Court.

8. Situation in Mali

Investigations

62. The Office of the Prosecutor conducted 46 missions to nine countries to collect evidence, screen and interview witnesses and secure the continued cooperation of its partners, including States in the Sahel region.

63. The Office continued to collect information and evidence about alleged crimes in the entire territory of Mali; initial geographical emphasis was given to the three northern regions. The Office gave particular attention to allegations concerning attacks against buildings dedicated to religion and against historic monuments, including those with World Heritage status, and accordingly cooperated extensively with the United Nations and, in particular, with the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Office also sought cooperation from a number of other United Nations agencies present in Mali, particularly from the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

III. International cooperation

A. Cooperation with the United Nations

1. General cooperation with United Nations Headquarters

64. As indicated in more detail in the Court's 2013 report on the status of ongoing cooperation between the Court and the United Nations, including in the field, the many forms of cooperation range from regular dialogue aimed at identifying challenges in the execution of the respective mandates and in the cooperation between the two institutions, as well as ways of overcoming them, to a very practical working relationship which includes the exchange of information and reports, administrative and personnel arrangements, the provision of services and facilities, logistical support in the field, financial matters, travel arrangements, judicial assistance, the appearance of United Nations staff in court to provide testimony and supporting each other's activities in the field.

65. In accordance with the Relationship Agreement, the United Nations provides facilities and services to the Court on a reimbursable basis, including those that enabled the Assembly of States Parties to hold its thirteenth session at Headquarters, from 8 to 17 December 2014, and the Advisory Committee on the nominations of judges of the International Criminal Court to meet, from 8 to 12 September 2014.

66. The Court highlights the crucial support and cooperation it has received over the years from the United Nations, including from the Secretary-General and the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, whose office (the Office of Legal Affairs) ensures the transmission and coordination of judicial cooperation requests between the United Nations and its agencies and the organs of the Court and parties to the proceedings.

67. As an efficient interface between the Court and the United Nations, the Office of Legal Affairs advises the requesting organ or party on the procedure to be followed, provides updates and identifies the relevant interlocutors that the Court can contact in the various United Nations agencies or peacekeeping missions in the field.

68. The Court is also grateful for the regular interaction with and support of other United Nations entities, including the Department of Peacekeeping Operations, the Department of Political Affairs, the Department of Safety and Security, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs and the United Nations Office on Drugs and Crimes (UNODC) as well as the Special Advisers of the Secretary-General on the Responsibility to Protect; Gender Issues and the Advancement of Women; and the Prevention of Genocide; and his Special Representatives on Sexual Violence in Conflict, and for Children and Armed Conflict. The Court also appreciates its regular interaction with such United Nations agencies as UNESCO and with such programmes and funds as the United Nations Children's Fund, the United Nations Development Programme (UNDP) and the United Nations Institute for Training and Research.

69. The Court is specifically recognizant of the continued generous support provided by UN-Women in the form of the secondment of gender experts to the Office of the Prosecutor's investigation teams. On the basis of that positive experience, the Court looks forward to continuing such cooperation and the sharing of expertise with UN-Women and is interested in expanding such cooperation towards other United Nations agencies with relevant expertise.

70. The principals of the Court frequently hold high-level consultations with senior United Nations officials to discuss matters of mutual interest, to explain the interests and mandate of the Court and to seek the support of the United Nations. The annual reports of the Court present an opportunity for it to inform the United Nations and the international community at large on a regular basis about its activities.

71. The annual joint round table of the United Nations and the International Criminal Court enables officials from both institutions to meet at a working level to discuss practical cooperation arrangements, lessons learned and challenges ahead.

72. The representation of the Court at the United Nations in the form of a small liaison office provides an important channel of communication between the two organizations, facilitating the maintenance and further development of their relationship and cooperation. The Court is also financing a legal position (P-3) within the Office of Legal Affairs to discharge the Office of the workload incurred as a result of cooperation with the International Criminal Court.

73. Although the Court is not party to the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances, which replaced the Inter-Agency Mobility Accord, to which the Court was a party, the Court retains an observer position and continues to administer and support the movement of personnel in full accordance with the provisions of the Accord. In the reporting period, 11 staff members were on loan to the International Criminal Court from other tribunals or international organizations, while 4 staff members of the Court were on loan to other tribunals or international organizations.

74. The Court continues to cooperate with United Nations common system organizations in inter-agency meetings on facilities management, travel and security. The Court also follows United Nations guidelines on the issuance of laissez-passez documents to elected officials and staff.

75. A memorandum of understanding was signed between the Ethics Office of the United Nations and the Court to ensure the administration of the financial disclosure programme commenced by the Court in 2015 in accordance with the Court's needs and the standard provisions of the programme as administered in the United Nations common system.

76. The Court has engaged with several United Nations system agencies for the provision of a range of services during the reporting period. The main service provider during the period was the Secretariat, with services amounting to approximately €0.7 million, including the loan of staff members; participation by the Court's library in the United Nations System Electronic Information Acquisition Consortium; inter-satellite, audiovisual and security services; training; and field security assistance.

77. Other services in the amount of approximately €0.2 million were provided by several other United Nations system agencies, including the United Nations Offices in Nairobi and Geneva, UNDP, the International Criminal Tribunal for the Former Yugoslavia, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Operation in Côte d'Ivoire (UNOCI), the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and MINUSMA. Services provided included telecommunications; fuel, spare parts and maintenance for vehicles; stationery and supplies; information and communications technology services; field security assistance; medical and transportation services, training; and the loan of staff.

2. Cooperation with United Nations peacekeeping missions and other United Nations presence in the field

78. During the reporting period, cooperation from the United Nations in the field was particularly solicited in many areas, ranging from security and logistical assistance for missions in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia and Mali and security, transportation and special flight assistance for high-level official visits to the Central African Republic and the Democratic Republic of the Congo to negotiating memorandums of understanding and continuing the exchange of information on matters of interest for the Court.

79. The Court continued to benefit from United Nations logistical assistance in carrying out its activities in situation countries, including from such United Nations missions as MINUSCA, MINUSMA, MONUSCO and UNOCI, as well as the United Nations Office in Nairobi. Assistance from the missions included the use of 973 United Nations flights during the reporting period. Excellent cooperation was also extended by the United Nations in connection with the Court's feasibility study concerning the holding of in situ hearings in the case of *The Prosecutor v. Bosco Ntaganda*.

80. Conversely, field offices of the Court provided, upon request, logistical and security support to the United Nations.

81. In cases in which a high volume of requests for cooperation was anticipated, the Court and the Office of the Prosecutor sought to conclude memorandums of understanding to facilitate agreed modalities for specific forms of assistance. That practice allowed the Court to avoid delays in the deployment of its operations and helped to reduce costs. Moreover, the agreements ensured regular exchanges on issues of mutual interest and enabled the efficient provision of responses to concerns and the dissipation of misinformation.

82. On 20 August 2014, the Court concluded a memorandum of understanding with MINUSMA that encompassed cooperation matters relating to the Court's activities in Mali.

83. On 2 June 2015, the Court concluded an exchange of letters with the United Nations enabling MINUSCA to provide immediate assistance to the Court on an ad hoc basis, pending the finalization of a more comprehensive agreement.

84. Finally, the Court benefited from information sharing and the operational support of United Nations missions in several countries that are not situation

countries, but that are relevant to the Office of the Prosecutor's investigations or preliminary examinations.

85. It is of the utmost importance that the United Nations continue to give due regard to requests for support and assistance for the Court's defence teams in accordance with the principle of equality of arms, and thus include relevant provisions in that regard in cooperation agreements with the Court.

86. The extent to which the peacekeeping missions can cooperate with the Court depends largely upon the mandate given to the mission. In particular, it remains important to consistently maintain in mission mandates and mandate renewals the authorization for the mission to support national authorities in securing arrests, or, if possible, an even stronger mandate and the capacity to carry out operations that may lead to arrests prior to the transfer of fugitives to the national authorities. Particular lessons may be drawn from the establishment and first year of activities of the Intervention Brigade within MONUSCO, pursuant to Security Council resolution 2098 (2013).

87. Formulating such mandates will require efforts from States as well as the Department of Peacekeeping Operations, mindful of the positive synergies between the missions and the Court, while taking into account their respective mandates.

88. Over the past few years, the Office of the Prosecutor has remained in contact with numerous commissions of inquiry set up by the Secretary-General, the Security Council or the Human Rights Council, including regarding the situations in Guinea, Libya and Darfur (the Sudan). The Office has also interacted with relevant United Nations groups or panels of experts, which often obtain, very early on, valuable information on situations of interest to the Office.

89. Commissions of inquiry can be valuable sources of information on allegations of the possible commission of crimes within the jurisdiction of the Court. Such information may be particularly beneficial for the Office during preliminary examinations, in which it relies on open-source information to determine if there is a reasonable basis for investigating.

90. Subject to the specific mandate and considered view of each commission of inquiry, further exploration has been made on ways to increase cooperation and coordination in situations that fall within the jurisdiction of the Court, with a view to facilitating the mutual exchange of information in line with the Relationship Agreement. The Office of the Prosecutor and OHCHR, with the assistance of the Office of Legal Affairs, have been considering ways to strengthen possible modalities for cooperation, including through the conclusion of a framework memorandum of understanding.

3. Cooperation with the Security Council

91. The capacity of the Security Council to refer a situation to the Court is crucial to ensure accountability, but without the necessary follow-up, in terms of ensuring cooperation and, in particular, the arrest and surrender of individuals, justice will not be done. A perception of inactivity on the part of the Council in taking further measures to ensure that cases can be brought to the courtroom would risk undermining the credibility of both the Council and the Court.

92. Currently, 11 Court communications to the Council about non-cooperation regarding Darfur and Libya remain unanswered. The Council must ensure that it stands behind its own decisions regarding the Court, especially when lack of cooperation has been identified and notified by the judges.

93. The Court looks forward to engaging with interested parties to discuss how to improve the implementation of obligations created by the Council, including the execution of arrest warrants, and to seek more constructive strategies for attaining the mutual goals of preventing and ending impunity for atrocity crimes.

94. The Court continues to welcome the updated guidelines of the Secretary-General on contacts with persons who are the subject of arrest warrants or summonses issued by the Court. It remains important to carefully document and analyse such contacts to determine which are essential and to assess their impact.

95. United Nations targeted sanctions are an important tool for addressing threats to international peace and security, including atrocity crimes. However, certain factors still prevent their most effective use. The Court has provided suggestions in the past on possible improvements, including harmonizing the designation criteria of sanctions mechanisms for the identification and freezing of assets and the imposition of travel bans. The designation criteria for a number of such sanctions mechanisms already provide for the listing of persons who commit violations of international humanitarian or human rights law or other atrocities.

96. Consideration could be given to enabling the automatic listing of persons sought by the Court once a warrant for their arrest has been issued by a pre-trial chamber for the alleged commission of crimes within the jurisdiction of the Court, particularly when the situation has been referred by the Security Council.

97. Consideration could also be given to streamlining decision-making by the sanctions committees when Court processes intersect with the sanctions programmes (i.e., the transfer of individuals to and from The Hague, advance warning of the possible delisting of persons of interest to the Court and the use of funds for reparations or legal aid purposes. In the case of transfers, for example, an automatic lifting of travel bans could be provided for in relevant resolutions when an individual subject to such a ban must be transferred to or from The Hague.

98. The Court welcomes the recently published Compendium of the High Level Review of United Nations Sanctions and, in particular, its section VII.D on United Nations sanctions and international criminal justice proceedings (A/69/941-S/2015/432, annex). The Compendium identifies a number of key issues and recommendations for improving cooperation, coordination and information-sharing among international criminal justice actors, the Security Council, the Office of Legal Affairs and sanctions committees. Those issues and recommendations merit further discussion and follow-up. The Court is open to engaging in a dialogue on the matter.

4. Mainstreaming the Court in the United Nations system

99. The United Nations, as the main forum for international cooperation and consultation, presents a unique context for promoting the mainstreaming and understanding of Rome Statute issues and considerations into a wide variety of areas of international activity. Each year, the General Assembly and the Security Council adopt a number of resolutions and decisions in which the mandate of the

Court is recognized and supported, including the annual Assembly resolution on the Court, which provides an excellent opportunity for the international community to discuss the role and importance of the Court in the United Nations context.

100. Such mainstreaming could be further strengthened in the following four key areas:

(a) The only way to achieve full accountability for the gravest international crimes is to ensure that the reach of international criminal justice is universal, as is the United Nations system. High-level meetings at Headquarters, in which all Member States are present, provide a unique opportunity to raise interest and support for more countries to consider joining the Court. Recommendations containing references to the ratification or full implementation of the Rome Statute, made in the context of the universal periodic review conducted under the Human Rights Council in Geneva, are also highly relevant in that respect;

(b) There is much to be gained by increasing the dialogue between key actors who are addressing peace and security issues and grave human rights violations and actors who are addressing international criminal justice. Human rights and individual criminal responsibility issues often intersect. For example, several of the situations under preliminary examination are also being examined in the United Nations context. It is important to recognize the possible synergies that could be achieved in that area, for the benefit of the victims of crimes;

(c) The third specific area of possible increased mainstreaming concerns the strengthening of national jurisdictions. Ending impunity is not the preserve of any one institution. The Court is a court of last resort and can prosecute only a limited number of individuals. Respect for sovereignty and deference to genuine national judicial processes are paramount considerations in the Court's determination of whether or not to proceed with investigations or cases. States must vigorously and effectively carry out their responsibility to investigate and prosecute crimes, and thus contribute to the fight against impunity. When there is willingness to do so, but capacity is lacking, it is important that the international community, including the United Nations, play its role in encouraging and assisting States to address the need for increased capacity in the areas of justice and accountability. In that respect, the Rule of Law Unit of the Secretariat, the Office of the Rule of Law and Security Institutions and the rule of law components of peacekeeping missions have proved useful in mainstreaming international justice, in particular in countries in which the Court has been active. OHCHR, UNDP, the Human Rights Council and several other United Nations offices and agencies are also important actors in this regard. The post-2015 development agenda could also provide an important platform for enhancing such work;

(d) The fourth area concerns policy and thematic priorities. As an example, during the reporting period, the Court was pleased to provide input to the global study conducted by UN-Women on the implementation of Security Council resolution 1325 (2000) on women, peace and security. In particular, the Court welcomed the initiative to include a discussion on justice and accountability in the global study because it recognized the interconnectedness of the United Nations agenda on women, peace and security and the work of the Court. Other areas of common interest could include such topics as children, the protection of cultural heritage, the prevention of atrocity crimes or breaches of international humanitarian law and issues relating to peace and justice. Owing to its limited resources, the

Court calls on States parties' assistance in mapping and highlighting any such areas of convergence.

B. Cooperation with and assistance from States, other international organizations and civil society

1. Judicial assistance during the reporting period

101. The Court continued to request the assistance of States to fulfil its mandate. During the reporting period, the Registry of the Court transmitted 1,042 requests for visas and 251 requests for cooperation.

102. In connection with its investigative and prosecutorial activities, during the reporting period, the Office of the Prosecutor addressed a total of 366 requests for assistance to 58 different partners, including States parties, non-States parties and international and regional organizations, in addition to following up on the execution of pending requests.

103. States continued to provide assistance to defence teams in support of such investigative activities as the provision of visas, logistical support, including for video links, the facilitation of family visits and access to clients and information.

104. During the reporting period, the Office continued to develop an active network of judicial cooperation partners and war crimes unit contacts to foster support for its investigative needs and to answer requests for assistance with national proceedings.

2. Court cooperation seminars

105. Continuing its practice of enhancing cooperation and stimulating discussion via regional events, the Court organized cooperation seminars in Cotonou and San José. The Court thanks the European Commission for financing those seminars and Benin and Costa Rica for hosting them, and also thanks the Netherlands and Norway for their financial support of the Benin seminar.

106. With the financial assistance of Finland, France and the Netherlands, the Court also organized a seminar in The Hague that brought together national focal points from a number of situation countries and other key States responsible for coordinating and channelling communications between national authorities and the Court.

3. Cooperation with other international and regional organizations

107. During the reporting period, the Court continued to develop its interaction and cooperation with international and regional organizations in order to maintain and foster support for its activities, in particular with regard to investigations by the Office of the Prosecutor, financial investigations and the execution of Court decisions. The Court reinforced its involvement and presence in international networks of judicial practitioners and law enforcement actors. Active cooperation was obtained from such partners as Interpol, the European Union (the European Commission, the European External Action Service, Eurojust, Europol), the World Bank, the Inter-American Commission on Human Rights and the Ibero-American Legal Assistance Network.

4. Cooperation with civil society

108. The Court continued to engage actively with its civil society partners in Geneva, The Hague and New York as well as in the situation countries and countries under preliminary examination. The Court held its annual round table with non-governmental organizations and several smaller meetings to discuss issues of common interest.

109. The Court appreciated, and continued to participate in, activities organized by civil-society partners to promote the universality and full implementation of the Rome Statute, as well as cooperation and increased awareness of the mandate and work of the Court.

C. Cooperation between relevant partners in the context of supporting and strengthening the Rome Statute system of international criminal justice: examples of complementarity in action

1. The preliminary examination in Guinea

110. The case of Guinea is a striking example of the way in which the positive dynamic created between the Office of the Prosecutor, the United Nations system, civil society and the State concerned has borne tangible results for the progress of a national investigation regarding alleged crimes against humanity committed during the events of 28 September 2009. During the reporting period, in order to identify concrete measures that could be taken by the relevant authorities to complete the national investigation in compliance with the law and within a reasonable time frame, the Office met and stayed in regular contact with the Guinean authorities, representatives of civil society and United Nations representatives, including the Special Representative on Sexual Violence in Conflict and members of the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict, as well as the United Nations judicial expert deployed by that team, to assist the panel of Guinean judges.

111. During the reporting period, the quality and pace of national proceedings increased significantly. Significant investigative steps taken by the panel of judges included the indictment of several high-level political and military officials and the hearing of testimony of dozens of victims, including victims of sexual violence and enforced disappearance, and key witnesses, some of whom initially appeared reluctant to appear before the judges.

112. With the support of the United Nations and civil society, the Office will continue to encourage the Guinean authorities to fulfil their primary responsibility to investigate and prosecute Rome Statute crime, as that approach has already proven fruitful. The completion of such a complex investigation, unprecedented in the history of Guinea, and the holding of a trial in the near future would be major achievements and serve as a successful cooperation model for other situations.

2. Witness protection

113. Within the scope of its mandate, the Victims and Witnesses Section of the Registry has been cooperating closely with relevant United Nations agencies.

114. In particular, in January 2015, the Court concluded a memorandum of understanding with UNODC to increase cooperation concerning the mandate of the Victims and Witnesses Section in accordance with the Rome Statute. The memorandum of understanding is aimed at specifically at increasing the capacity of States receiving witnesses and victims of the Court to protect them, in accordance with international standards and good practices. The memorandum of understanding provides for cooperation by UNODC in training programmes concerning best practices in witness protection.

3. Memorandum of understanding between the Court and the United Nations Office on Drugs and Crime on the enforcement of sentences

115. The Court and UNODC also concluded a memorandum of understanding on building the capacity of States to enforce, in accordance with international standards on the treatment of prisoners, sentences of imprisonment pronounced by the Court. The memorandum of understanding establishes a framework for the Court and UNODC to cooperate in assisting States parties desiring to build their capacity to receive sentenced persons in accordance with international standards. It includes provisions on mutual consultations and the exchange of information, as well as the provision by UNODC to States parties of technical assistance relating to the treatment of prisoners and the management of facilities.

IV. Institutional developments

A. Elections and appointments

116. At its thirteenth session, the Assembly of States Parties to the Rome Statute of the International Criminal Court elected, by acclamation, the Minister of Justice of Senegal, Sidiki Kaba, as President of the Assembly for the thirteenth to sixteenth sessions, replacing Tiina Intelmann of Estonia.

117. The Assembly of States Parties also held a regular election for six judges of the Court and elected Chang-ho Chung (Republic of Korea), Piotr Hofmański (Poland), Péter Kovács (Hungary), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Marc Pierre Perrin de Brichambaut (France) and Bertram Schmitt (Germany) for nine-year mandates beginning on 11 March 2015.

118. At its resumed thirteenth session, the Assembly of States Parties held an election for one judge to fill a vacancy left by the resignation of judge-elect Miriam Defensor Santiago. The Assembly elected Raul Cano Pangalangan (Philippines) to serve for the remainder of Ms. Defensor Santiago's term, which will run until 10 March 2021. Judge Pangalangan was sworn in on 13 July 2015.

119. On 11 March 2015, the judges of the Court, in a plenary session, elected Judge Silvia Fernández de Gurmendi (Argentina) as President of the Court, Judge Joyce Aluoch (Kenya) as First Vice-President and Judge Kuniko Ozaki (Japan) as Second Vice-President for three-year terms with immediate effect.

B. Ratifications and accessions

120. On 2 January 2015, the State of Palestine acceded to the Rome Statute, becoming the 123rd State party.

121. During the reporting period, six States (Costa Rica, the Czech Republic, Latvia, Malta, Poland and Spain) ratified the amendment to article 8 of the Rome Statute of the International Criminal Court (Kampala amendment) and eight States (the above-mentioned six States, as well as Georgia and San Marino) ratified or accepted the amendments to the Statute on the crime of aggression. As at the end of the reporting period, a total of 24 and 23 States, respectively, had ratified or accepted the amendments.

122. Two States became parties to the Agreement on the Privileges and Immunities of the International Criminal Court. Senegal ratified the Agreement on 25 September 2014 and the State of Palestine acceded to it on 2 January 2015. A total of 74 States are now party to the Agreement.

V. Conclusion

123. The Court had another active year in terms of judicial proceedings, investigations, preliminary examinations and institutional developments. The Court enjoys highly valuable cooperation with the United Nations on a wide range of issues and continues to look to the international community for support and cooperation in establishing accountability for the most serious crimes under international law, bringing justice to victims and affected communities, and helping to prevent future atrocities.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

Report of the Secretary-General**

Summary

The present report has been prepared pursuant to General Assembly resolution 69/92. It provides an update on Israeli authorities' decisions and activities aimed at creating or expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan. It examines human rights violations linked to settlements, including in the context of two case studies, and the detrimental impact of settlements on efforts towards sustainable peace on the basis of a two-State solution.

* A/70/150.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/92 and covers the period from 16 May 2014 to 15 May 2015.

2. The information presented in the report is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and on information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations (NGOs). The report should be read in conjunction with previous reports of the Secretary-General on Israeli settlements to the Human Rights Council and the General Assembly, particularly A/HRC/20/13, A/HRC/25/38, A/HRC/28/44, A/63/519, A/64/516, A/65/365, A/66/364, A/67/375, A/68/513 and A/69/348.

3. The report provides an update on Israeli authorities' decisions and activities aimed at creating or expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, including through retroactive legalization of outposts under Israeli law. The report also examines the human rights violations linked to settlements, including in the context of two case studies, and the detrimental impact of settlements on efforts towards sustainable peace on the basis of a two-State solution.

4. In accordance with paragraph 9 of resolution 69/92, it is noted that the United Nations country team has embarked on a review of existing procurement policies to ensure full respect for and compliance with Human Rights Council resolution 17/4 and the Guiding Principles on Business and Human Rights.

II. Legal background

5. Analysis of the applicable framework and the basis for Israel's obligations in the Occupied Palestinian Territory and occupied Syrian Golan can be found in previous reports of the Secretary-General (A/69/348, paras. 4-5, and A/HRC/25/38, paras. 4-5).

III. Update on settlements during the reporting period

A. Construction, tenders, plans and expansion

6. Tenders and plans for settlements as well as the construction of settlements increased in 2014. According to the Israeli NGO Peace Now, the construction of 3,100 residential units, 2,671 permanent structures and 429 caravans and light construction structures started in the period from June 2013 to September 2014.[1]

[1] Some discrepancy between figures from Peace Now and the Israeli Central Bureau of Statistics, table N/4, "Dwellings by Stage of Construction, Initiator and District" available from: http://www.cbs.gov.il/publications15/yarhon0415/pdf/n4.pdf. The Bureau reports that construction of fewer dwelling units had begun in the West Bank in 2014 (1,344) as compared to 2013 (2,829). Peace Now figures are used in this report as they are "based on all visible construction starts on the date the aerial photos are taken". Bureau figures are based on "the date a construction permit is issued". See http://peacenow.org.il/eng/CBS_PN_Data.

Overall, the construction of settlements increased by 40 per cent compared to the period from March 2012-May 2013.[2]

7. A record 4,485 tenders were issued from January to December 2014, the highest number in a decade. A further 450 tenders were issued at the end of January 2015, including 102 in Kiryat Arba, near Hebron. Between 18 March 2013 and January 2015, the Government of Israel promoted at least 66 plans comprising 10,113 residential units in 41 settlements, a significant increase compared to previous years.[3]

8. A pause in settlement advancement in East Jerusalem, which started in November 2014, ended on 27 April 2015 when tenders were issued for 77 residential units in the settlements of Pisgat Ze'ev and Neve Ya'akov. Settlement activities were advanced in early May 2015, building on significant developments in relation to Ramat Shlomo, Har Homa and Givat Hamatos, reported previously, and significantly affecting the makeup of East Jerusalem (A/HRC/28/44, paras. 7-10).[4] Settlers continued to push into Silwan, taking over several Palestinian properties in March 2015, compounding similar developments in September 2014, when Israeli settlers moved into six buildings in the Palestinian neighbourhood of Silwan in East Jerusalem. (A/HRC/28/44, para. 11).[5]

9. In a significant and unprecedented positive development in March 2015, 2,200 new homes for Palestinians in Jabal al-Mukabber were approved by the Jerusalem District Planning Committee, and 300 existing homes were retroactively legalized.[6] There were also reports that construction of 1,500 homes in Har Homa settlement was frozen by the Office of the Prime Minister of Israel in March 2015.[7]

B. "Legalization" of unauthorized outposts

10. During the reporting period, new outposts were established (see A/HRC/28/44, para. 9). Although often established with a certain level of government support, including security and basic infrastructure, such settlements are not officially recognized under Israeli law, at least at their inception. Therefore, in addition to being illegal under international law — like all settlements — outposts are considered unauthorized under Israeli law.

11. In February 2015, the Israeli High Court of Justice ordered the demolition, by 2017, of nine unauthorized settler structures built on privately owned Palestinian

[2] Peace Now, "3rd Netanyahu Government: 40% increase in construction", February 2015, available from: http://peacenow.org.il/eng/sites/default/files/ConstructionReport2014Eng_0.pdf.

[3] Ibid.

[4] Peace Now, "The Ramat Shlomo Plan is to get the Final Green Light", 4.05.2015, available from: http://peacenow.org.il/eng/RamatShlomo, see also A/HRC/28/44, para. 10; Peace Now, "Government Issues Tenders for 85 Housing Units at Givat Ze'ev Settlement", 14.05.2015.

[5] Peace Now, "The Government Helps the Settlers Take Over a Home in Silwan", 10.03.2015 available from:: http://peacenow.org.il/eng/RuweidiHouse; Peace Now, "Settlers Entered New Properties in Silwan", 22.03.2015, available from: http://peacenow.org.il/eng/NewHousesSilwan.

[6] Daniel K. Eisenbud, "In 'major victory to Arab residents' 2,200 homes approved in east Jerusalem", *Jerusalem Post*, 31.03.2015.

[7] Stuart Winer, "Plan for 1,500 homes in East Jerusalem reportedly frozen", *The Times of Israel*, 25.03.2015: http://www.timesofisrael.com/plan-for-1500-homes-in-east-jerusalem-reportedly-frozen/.

land in the West Bank settlement outpost of Ofra.[8] The Court stated that not ordering the demolition "would have sanctioned severe harm to Palestinian rights and the rule of law".[9] In another important ruling on 25 December 2014, the High Court of Justice ordered the outpost of Amona to be evacuated within two years.[10] However, the orders have not been implemented yet and such demolitions of settler structures are frequently not carried out.

12. However, in other cases, Israeli courts, including the High Court, have refrained from intervening with respect to outposts. An example is the "Six Outposts" petition submitted by Peace Now in 2007 to the High Court for the Israeli authorities to evacuate and demolish six outposts in the West Bank. On 7 December 2014, the Court issued a verdict that did not oblige the authorities to evacuate the outposts apart from one plot and an access road.[11] The Court argued that one of the main reasons for this decision was the fact that the Israeli authorities had indicated they would be taking steps to legalize the outposts under Israeli law.

13. Although Israel has made a number of commitments to dismantle the outposts in the past,[12] for the most part this has not happened.

14. During the reporting period, NGOs documented a worrying policy shift which furthers Israeli authorities' support to settlement expansion. According to Yesh Din, since May 2011, "approximately a quarter of the 100 unauthorized outposts in the West Bank have either been retroactively approved" or are in the process of retroactive approval by the Civil Administration's Supreme Planning Committee.[13] This trend was also apparent following the Israeli elections in March 2015, with the new coalition Government committed to establishing an inter-ministerial committee tasked with proposing a framework to promote the legalization of outposts.[14]

15. The retroactive legalization under Israeli law is considered as another arm of settlement expansion, alongside the planning, tendering and construction process, and the support given to outposts at their outset, such as the security provided by

[8] Ofra is not a typical small outpost, but a large settlement entirely built on private Palestinian land with the support of the Government of Israel. The court has rejected all petitions to remove it except for these nine recent structures. For more information, see B'tselem, "The Ofra Settlement: An Unauthorized Outpost", December 2008, available from: www.btselem.org/download/200812_ofra_eng.pdf.

[9] B'tselem, Press release, "HCJ to State: Demolish nine structures in the settlement of Ofra", 9.02.2015.

[10] Yesh Din, "Historic ruling on Amona: Unauthorized outpost of Amona to be evacuated within two years; HCJ charges State NIS 20,000 for petitioners' legal fees", 25.12.2014; see http://www.yesh-din.org/infoitem.asp?infocatid=650; see also Tovah Lazaroff, "High court orders razing of last 7 homes in West Bank Migron outpost", *Jerusalem Post*, 6.01.2015, available from: http://www.jpost.com/Israel-News/Politics-And-Diplomacy/High-court-orders-raising-of-last-7-homes-in-West-Bank-Migron-outpost-386907.

[11] Peace Now, "Shalom Achshav Press Release: Israeli High Court Verdict on Peace Now's Six Outposts Petition", 11.12.2014, available from: https://peacenow.org/entry.php?id=9668#.VVXsWPAVK8g.

[12] For example, under the April 2003 Road Map for Peace.

[13] The Rights Forum and Yesh Din, "Under the Radar: Israel's silent policy of transforming unauthorized outposts into official settlements", March 2015, available from: http://www.rightsforum.org/sites/default/files/bestanden/report_under_the_radar_-_by_yesh_din_and_the_rights_forum.pdf.

[14] Peace Now, 10.05.2015, see: http://peacenow.org.il/eng/sites/default/files/JewishHomeAgreement100515.pdf.

Israel Defense Forces soldiers upon establishment of an outpost.[15] This policy effectively rewards settlers for grabbing land in the West Bank in a process that "frequently involves violations of the rights of Palestinians".[16] The lack of enforcement of the rule of law, and the rewarding of illegal activity, serves to further encourage settlement expansion — creating additional obstacles to the objective of a negotiated two-State solution, and the right of Palestinians to self-determination and thereby undermining possibilities of peace.[17]

IV. Settlements as a driver of violations of international human rights and humanitarian law and an obstacle to peace

A. Human rights violations linked to settlements

16. Settlements are at the centre of many of the ongoing human rights violations in the West Bank, including East Jerusalem (A/HRC/28/45, para. 45). The far-reaching impact of settlements on the full range of Palestinian rights was analysed in detail by an independent international fact-finding mission which found in February 2013 that the "existence of the settlements has had a heavy toll on the rights of the Palestinians", with multiple rights "being violated consistently and on a daily basis" (A/HRC/22/63, para. 105).

17. At the core of these violations is Palestinians' right to self-determination. Occupation is supposed to be temporary[18] because the annexation or acquisition of territory by force is strictly prohibited under international law.[19] The specific prohibition of transferring the population of the occupying Power into occupied territory aims at countering attempts at de facto annexation.[20] In the West Bank, including East Jerusalem, the establishment and maintenance of the settlements amount to a slow, but steady annexation of the occupied Palestinian territory. This deprives Palestinians of their right to self-determination and is an obstacle to the two-State solution (A/67/375, paras. 10-12).

18. In the case of East Jerusalem, the continued settlement advances in Jerusalem and around the Jerusalem periphery, appears to have been intended to alter the demographic composition there (A/HRC/22/63, para. 25), in the context of an illegal annexation condemned by the Security Council.[21] The impact of settlement expansion on Palestinian self-determination in the E1 area east of Jerusalem is well

[15] The Rights Forum and Yesh Din, "Under the Radar", p. 12.
[16] Ibid., p. 16.
[17] A/67/375, paras. 10-11; A/68/502, paras. 5-6.
[18] https://www.icrc.org/eng/resources/documents/misc/634kfc.htm.; International Criminal Tribunal for the former Yugoslavia, *The Prosecutor v Mladen Naletilic and Vinko Martinovic*, Case No. IT-98-34-T, Judgment (Trial Chamber, 31 March 2003, para. 214).
[19] See Charter of the United Nations, Article 2(4), and General Assembly resolution 2625 (1970).
[20] International Committee of the Red Cross, Commentary to article 49, Geneva Convention IV, available from https://www.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=523BA38706C71588C12563CD0042C407.
[21] See e.g., Security Council resolution 478 (1980).

documented (A/HRC/22/63, para. 34).[22] If fully implemented as planned, it would almost completely cut the West Bank in two at the expense of territorial contiguity.

19. Recent plans and expansions in other areas compound the fragmentation of Palestinian communities. The plan to build in Givat Hamatos threatens to cut Palestinian neighbourhoods off from each other (A/HRC/28/44, para. 7).[23] Meanwhile, the promotion of the settlement Givat Eitam in A-Nahla, near Bethlehem, threatens to carve up the West Bank, directly impacting Palestinian rights and the viability of the two-State solution.[24]

20. The settlements also have a broad impact on the rights of Palestinians, setting off a chain of human rights violations throughout the West Bank, including East Jerusalem. These violations drive the conflict and, in that respect, the Israeli authorities support for the settlements undermines prospects for peace. The settlements are indeed at the heart of a vicious cycle of land takeovers, friction between the settler and Palestinian population, increased Israeli security force presence, restrictions on freedom of movement of Palestinians, and discriminatory measures entailing multiple violations of Palestinians' rights (A/HRC/28/45; A/HRC/22/63). There also remain serious concerns regarding the linkage between the risk of forcible transfer facing Palestinian Bedouin and herding communities and settlement expansion.

21. The Secretary-General continues to be concerned about the Israeli authorities denying Palestinians access to agricultural land for reasons related to settlements, and about the huge discrepancies in water allocation between settlements and Palestinians in the West Bank.[25] At the same time demolition orders are stringently enforced against Palestinians but to a much lesser extent against settlers.[26]

22. Settler violence against Palestinians continues largely unchecked and without adequate protection or accountability on the part of the Israeli authorities. Between 16 May 2014 and 30 April 2015, Office CHA recorded 256 settler-related violence incidents in the West Bank, including East Jerusalem, leading to injuries to 95 Palestinians. This compares to 278 incidents resulting in 61 injuries between July 2013 and 15 May 2014.[27]

23. Adequate protection or accountability on the part of the Israeli authorities with regard to settler-related violence remains lacking (A/HRC/28/44, paras. 39-51). These issues were brought to the fore again when the Israeli organization Yesh Din found that the success rate of investigations into offences against Palestinians had actually worsened, despite the creation of the "nationalistic crimes unit" in the "Samaria and Judea" District Police. In 2013-2014, suspects of settler violence

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[22] See also Secretary-General's message to the United Nations Seminar on Assistance to the Palestinian People, 27.02.2013, available from: http://www.un.org/sg/STATEMENTS/index.asp?nid=6626.

[23] Peace Now, 2.10.2014, available from: http://peacenow.org.il/eng/NetanyahusFalseClaims GivatHamatos.

[24] Peace Now, "The New Settlement in E2 (Nahla) — A Significant Threat to the Two States Solution", September 2014, available from: http://peacenow.org.il/eng/E2-Nahla.

[25] A/HRC/28/44, paras. 17-38, and A/HRC/22/63, paras. 80-88.

[26] Association for Civil Rights in Israel, October 2014, p. 102, available from: http://www.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf.

[27] Office for Coordination of Humanitarian Affairs, unpublished data.

against Palestinians were charged in just 1.9 per cent of cases. Between 2005 and 2014, there were indictments in 7.4 per cent of cases, according to Yesh Din.[28]

24. The linkages between settlement expansion, including retroactive legalization of outposts under Israeli law and informal means of settlement expansion, and violations of Palestinians' rights is illustrated in the following case studies examining the situation in Silwan and around Shiloh settlement and Qaryut village in the northern West Bank.

B. Case study: Silwan in East Jerusalem

25. Silwan is a Palestinian neighbourhood in East Jerusalem, just south of the Old City, with a population of 45,000 Palestinians.[29] Like other Palestinians in East Jerusalem, its residents have the status of permanent residents, rather than citizens. Silwan has sites of particular archaeological significance concentrated mainly in its northernmost neighbourhood of Wadi Hilweh.

26. It is the strategic location of Silwan, bordering the Haram Ash-Sharif/Temple Mount, which has made it a target for settlement activities, resulting in tremendous adverse impact on the rights and daily lives of local residents. A few hundred settlers live in various locations in the heart of Silwan. Silwan is also part of the so-called Holy Basin in East Jerusalem, to which millions of shekels have been allocated for settlement activities through archaeology and tourism schemes.[30]

27. Since 2005, successive Israeli Governments and the Jerusalem Municipality have allocated significant budgets — totalling 974 million shekels between 2006 and 2009 — to plans that ostensibly aim at promoting tourism development in the Old City and its environs.[31] These plans involve a variety of activities, including creation of gardens and national parks, tourist facilities and information centres.

28. While these activities appear to be part of the regular public works and tourist operations of a municipal authority, they must be understood in the very specific context of East Jerusalem. They are being carried out in cooperation with private settler organizations active in the Old City and its environs. They are therefore rooted in the illegal annexation of East Jerusalem and ongoing settlement expansion in and around Palestinian neighbourhoods there, and serve to continue changing the status quo in East Jerusalem.

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[28] Yesh Din, "Law Enforcement on Israeli Civilians in the West Bank", November 2014, http://www.yesh-din.org/infoitem.asp?infocatid=636.

[29] Civic Coalition for Palestinian Rights in Jerusalem, "Factsheet on Silwan — Destruction of Palestinian Homes and Heritage in occupied East Jerusalem", October 2014.

[30] The "Holy Basin" is a contested term for an area comprising the Muslim and Christian quarters of the Old City, Silwan, Sheikh Jarrah, At-Tur (Mount of Olives), Wadi Joz, Ras al-'Amud, and Jabal Al Mukabbir. This report refers to this area as the Old City and its environs.

[31] Amounting to $253 million. Peace Now, "Government's Plan to deepen hold over Jerusalem", May 2009, http://peacenow.org.il/eng/content/government%25E2%2580%2599s-plans-deepen-hold-over-jerusalem; Emek Shaveh, "From Silwan to The Temple Mount: Archaeological Excavations as a Means of Control in the Village of Silwan and in Jerusalem's Old City — Developments in 2012", February 2013, available from: http://alt-arch.org/en/from-silwan-to-temple-mount/.

Increased settler presence and expansions

29. There are two main settler organizations active in Silwan: Elad and Ateret Cohanim. Established in 1986, Elad on its City of David website states that it is "committed to continuing King David's legacy", including through "archaeological excavation, tourism, development, educational programming and residential revitalization".[32] In practice, Elad uses these activities to promote settler expansion into East Jerusalem, and Silwan in particular. According to the Israeli organization Emek Shaveh, the guided tours offered by the City of David associated with Elad push a "one-dimensional and limited story of the place", focusing on "the 2nd Temple period and the renewal of the Jewish presence today."[33]

30. Settler organizations have used different means to take over Palestinian property, including through the application of the 1950 Absentee Property Law.[34] The first permanent settlers' presence in Silwan started in 1991 when Elad took over two houses belonging to Palestinians in Wadi Hilweh, using the law.[35] It is estimated that at least 23 properties in Silwan were transferred to Elad's control in this way.[36]

31. Other claims have been made on the basis of the alleged ownership of the pre-1948 Yemenite Jewish community that lived in Silwan from the 1880s until 1936.[37] Some transactions appear to have been conducted with the consent of the owner, although in other cases documents were reportedly forged.[38] Settlers have also reportedly used Palestinian middlemen to purchase property on their behalf without the owner knowing who the actual buyer was.[39]

32. By September 2011, there were 380 settlers in 34 settlement outposts in Silwan, most of them affiliated with Elad and Ateret Cohanim.[40] Towards the end of 2014, the number of outposts in Silwan almost doubled. On 30 September 2014, settlers took over six large buildings consisting of 26 housing units, most of them located in Wadi Hilweh (A/HRC/28/44, para. 11). Elad was reportedly behind the takeover working through a company registered abroad and a Palestinian

[32] The Ir David Foundation, available from: http://www.cityofdavid.org.il/en/The-Ir-David-Foundation.

[33] Emek Shaveh, "Elad's Settlement in Silwan", available from: http://alt-arch.org/en/settlers/.

[34] The 1950 Absentee Property Law provides that any person who lived between 27 November 1947 and 1 September 1948 outside the boundaries of the Israeli State, his or her property automatically will be transferred to the tenure of the Israeli Custodian for Absentee Property, without any compensation.

[35] Emek Shaveh, "Elad's Settlement in Silwan"; M. Margalit, "Seizing Control of Space in East Jerusalem", May 2010, p. 69.

[36] The Association for Civil Rights in Israel (ACRI), "Unsafe Space — The Israeli Authorities' Failure to Protect Human Rights amid Settlements in East Jerusalem", September 2010, p. 36.

[37] Emek Shaveh, "Elad's Settlement in Silwan".

[38] Margalit, "Seizing Control of Space in East Jerusalem", p. 85.

[39] Ibid., pp. 84-85.

[40] Peace Now, "Settlements in Palestinian Neighborhoods in East Jerusalem", September 2011, available from: http://peacenow.org.il/eng/content/settlements-palestinian-neighborhoods-east-jerusalem; in April 2012 the Office for Coordination of Humanitarian Affairs estimated 2,000 settlers lived in Palestinian neighbourhoods in East Jerusalem, mostly in the "Holy Basin". See Office for Coordination of Humanitarian Affairs, "Settlements in Palestinian Residential Areas in East Jerusalem", April 2012, available from: https://www.ochaopt.org/documents/ocha_opt_ej_settlements_factsheet_april_2012_english.pdf.

intermediary.[41] On 20 October 2014, another two Palestinian residential structures were taken over by settlers said to be associated with Ateret Cohanim in Baten el-Hawa/Yemenite neighbourhood.[42] On 18 March 2015, Elad took over three housing units in a building consisting of four units in Wadi Hilweh.[43] Elad and Ateret Cohanim claim that they purchased the houses although this is disputed by some of the families (A/HRC/28/44, para. 11). Settlers took over another house in Silwan in early May 2015.[44]

Archaeological excavations

33. There were sporadic archaeological excavations around the Old City and Silwan at the end of the nineteenth century.[45] However, following the occupation of East Jerusalem, they have become intensely politicized and linked to the settlements in East Jerusalem.

34. Many current archaeological excavations in Wadi Hilweh are managed by Elad.[46] As Elad faced legal challenges to its takeover of property through the Absentee Property Law, it turned its focus to archaeology as a means of appropriating Palestinian property.[47]

35. In a 2005 agreement, the Israeli National Parks Authority transferred the responsibility of managing the City of David National Park to Elad. The park includes property that was previously confiscated from Palestinians because of its archaeological importance. While Elad then sub-contracted the Israel Antiquities Authority to conduct excavations, it retained control over the management of the archaeological findings.[48] Currently, excavations are ongoing in 15 different locations in Wadi Hilweh/City of David National Park.[49]

36. Elad projects in Silwan have been harmonized with plans promoted by the Government of Israel and the Jerusalem municipality. A key example is the joint Elad and Israeli National Parks Authority project for the construction of a multi-purpose tourist centre, known as the "Kedem Compound", located over an

[41] Office for Coordination of Humanitarian Affairs, *Humanitarian Bulletin*, September 2014, p. 7, https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_27_english.pdf; N. Hasson, "Settlers move into 25 East Jerusalem homes, marking biggest influx in decades", *Haaretz*, 30.09.2014, available from: http://www.haaretz.com/news/israel/.premium-1.618470.

[42] N. Hasson, "Number of Jewish Silwan residents doubles in overnight mission", *Haaretz*, 20.10.2014, http://www.haaretz.com/news/israel/.premium-1.621688.

[43] Office for Coordination of Humanitarian Affairs, "Protection of Civilians", 17-23.03.2015, available from: http://www.ochaopt.org/poc17march-23march.aspx.

[44] Peace Now, "Settlers Take Over Another House in Silwan", 6 May 2015, available from: http://peacenow.org.il/eng/AbuNab.

[45] "The Case of Silwan/City of David", *Public Archeology*, Vol. 8, No. 1, February 2009, pp. 35-50, available from: http://www.uhasselt.be/Documents/UHasselt_EN/International/Lezing%20NZ%202011/Towards%20an%20inclusive%20archeology%20in%20Jerusalem.pdf.

[46] Elad is an acronym of the Hebrew "El Ir David" meaning "To the city of David".

[47] Emek Shaveh, "Elad's Settlement in Silwan".

[48] Greenberg, "Towards an Inclusive Archeology in Jerusalem", p. 42.

[49] Emek Shaveh, "From Silwan to the Temple Mount", p. 8.

archaeological site currently under excavation at the northern part of Wadi Hilweh.[50] The proposed compound includes a museum, a visitors' centre and a parking lot with an expected accumulative area of 16,000 square metres (see A/69/348, para. 33).[51] The plan has advanced significantly in the planning process and risks extending the ongoing settlement expansion[52] in Silwan, as part of broader efforts to change the status quo in East Jerusalem.

Clashes in Silwan

37. Clashes between Palestinian residents of Silwan and Israeli security forces have been routine for years. The tension is usually directly related to the presence of settlers or plans for Israeli development in Silwan (A/HRC/16/71, paras. 20-22).

38. Tension increased after June 2014 owing to three key developments: the June-August military operation in Gaza, the kidnapping and killing of a 16-year-old youth from Shu'fat on 2 July 2014, and the tension around Al Aqsa Mosque Compound during October-November 2014.[53]

39. Between 1 July and 18 November 2014, the Office for Coordination of Humanitarian Affairs recorded 58 clashes between Israeli security forces and Palestinians in Silwan, which was the third most volatile neighbourhood in East Jerusalem after At Tur (60 clashes) and the Old City (80).[54] A total of 119 Palestinians were injured in Silwan during clashes in 2014, including 118 between July and November. Between 1 January and 30 April 2015, eight Palestinians had been injured in Silwan during clashes with Israeli security forces.[55] While the increased tension in Silwan during the second half of 2014 was the result mainly of developments not specific to Silwan, the notable increase of security forces-exacerbated tensions.

40. Settlers in Silwan are protected by hundreds of armed private guards who fall under the authority of the Israeli Ministry of Construction and Housing — illustrating the direct involvement of the Government in the Silwan settlement enterprise.[56]

41. In previous years, these guards were involved in serious human rights abuses in Silwan. In October 2010, Samer Sarhan was killed after he was shot by a private

[50] N. Hasson, "Israel approves new East Jerusalem visitors' compound, razes Palestinian community center", *Haaretz*, 13.02.2012, available from: http://www.haaretz.com/news/diplomacy-defense/israel-approves-new-east-jerusalem-visitors-compound-razes-palestinian-community-center-1.412700.

[51] Ibid., p. 24.

[52] See Section IV.A. on human rights violations linked to settlements.

[53] Office for Coordination of Humanitarian Affairs, *Humanitarian Bulletin*, June-August 2014 and October 2014, available from: https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_03_english.pdf and https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_11_26_english.pdf.

[54] Office for Coordination of Humanitarian Affairs, unpublished data.

[55] Idem.

[56] ACRI, Unsafe Space, p. 16; ACRI, High Court to State: Explain Use of Private Guards in E. Jerusalem, 13.12.2012, available from: http://www.acri.org.il/en/2012/12/13/hcj-security-guards-jerusalem/.

guard.[57] On 13 May 2011, a 17-year-old boy, Milad Ayyash, was shot and killed, allegedly by a private guard during clashes around the Beit Yehonatan outpost.[58] Both incidents provoked a series of clashes and violence in Silwan that lasted for weeks.[59] In May 2015, the Israeli NGO B'tselem appealed the decision by the Department for the Investigation of Police and by the Israel Police to close the investigations into the killing of Ayyash.[60] According to the Israeli organization, the Association for Civil Rights in Israel, an investigation into the killing of Sarhan was closed in September 2013 and a subsequent appeal rejected in April 2015.

Demolitions

42. Silwan is no exception to the discriminatory planning system in East Jerusalem, which the Secretary-General and others previously noted (A/HRC/25/38, paras. 11-14; CERD/C/ISR/CO/14-16, para. 25). The existing plans allocated for Silwan are from 1974-1976 and allow for limited construction only. The takeover of land by settler groups or inclusion within national parks further limits possibilities for Palestinian development in Silwan. In the limited areas where building is permitted, the residents face bureaucratic, administrative and financial challenges that make the process of obtaining a building permit close to impossible.[61] As a result, a wide range of unauthorized construction has been carried out in both areas where building is prohibited or not allowed. Many buildings therefore become subject to demolition.

43. In 2014, the Israeli Jerusalem municipality demolished eight structures in occupied East Jerusalem, displacing five families consisting of 29 individuals, including 17 children. The municipality delivered 27 demolition orders in 2014 and five stop-work/demolition orders concerning residential structures as of May 2015.[62]

44. Despite this strict policy on demolishing houses without a permit owned by Palestinians, the municipality has shown a different practice when enforcing such orders against settlers. The most obvious example is the settlers' outpost of seven storeys known as Beit Yehonatan, built during the period 2002-2003 in Silwan. Despite court orders to evacuate Beit Yehonatan, the authorities have not implemented them.[63]

45. Some demolition orders of Palestinian houses are directly linked to municipal takeover of land aimed at creating a contiguity of tourist sites changing the status

[57] B'tselem, Caution: Children Ahead: The Illegal Behavior of the Police towards Minors in Silwan Suspected of Stone Throwing, December 2010, p. 5, available from: http://www.btselem.org/download/201012_caution_children_ahead_eng.pdf.

[58] DCI-Palestine, "17 year old boy killed during protest in Silwan", 2.06.2011, available from: http://www.dci-palestine.org/documents/17-year-oid-boy-killed-during-protests-silwan.

[59] See, for example, B'tselem, "Caution: Children Ahead".

[60] B'tselem, "B'Tselem appeals to State Attorney's Office against closing investigative files in case of Milad 'Ayash, 17, killed by gunfire from East Jerusalem settlement", 3.05.2015, available from: http://www.btselem.org/firearms/20150503_btselem_appeals_closing_%20of_milad_ayash_case.

[61] Ir Amim, "The Giant's Garden: The 'King's Garden' Plan in Al-Bustan", p. 7, available from: http://www.ir-amim.org.il/sites/default/files/al%20bustan%20ENG.pdf.

[62] Office for Coordination of Humanitarian Affairs, unpublished data.

[63] Peace Now, "Settlers Take Over Another House in Silwan", 6.05.2015, available from: http://peacenow.org.il/eng/AbuNab.

quo in East Jerusalem.[64] In 2005, the Jerusalem municipality delivered demolition orders to houses in the Al Bustan neighbourhood, in the centre of Silwan, because they lacked a building permit.[65] These orders put at risk approximately 90 houses and threaten to displace more than 1,000 people.[66] Under a 1976 city master plan, listing only the few houses existing at that time, Al Bustan is marked as a green space and linked to plans to turn the area into a park replicating the garden of biblical King Solomon.[67]

46. There has been significant international pressure to stop implementation of the plan, and while so far none of the houses in Al Bustan have been demolished, all remain under threat. Residents of the neighbourhood provided alternative development plans prepared by professional planners, but these were rejected by the municipality.[68]

47. The latest municipality version of the plan divides the land into three parts: a residential area in the East, the park in the West and hotels in the South.[69] All houses in the western side are to be demolished for the planned biblical garden, those in the eastern side will be legalized and some additional construction will be allowed to accommodate residents of the western side whose houses will be demolished.[70]

Israeli security forces' presence and child detention

48. Human rights organizations have raised concerns regarding the detention of children in Silwan in recent years.[71] This has included the case of a 7-year-old boy from Silwan — the youngest of 700 children arrested in East Jerusalem in 2014.[72] Most of these cases in Silwan relate to stone throwing at settlers, private guards or ISF, and are linked to the friction between settlers and the local population. NGOs have also raised concerns regarding ill-treatment of child detainees in Silwan.[73]

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[64] Emek Shaveh, "From Territorial Contiguity to Historical Continuity: Asserting Israeli Control through National Parks in East Jerusalem — Update 2014", available from: http://alt-arch.org/en/national-parks-in-east-jerusalem-update-2014/.

[65] Margalit, "Seizing Control of Space in East Jerusalem", p. 5.

[66] Office for Coordination of Humanitarian Affairs, "East Jerusalem — Key Humanitarian Concerns", p. 34.

[67] B'tselem, "Al-Bustan Neighbourhood — Garden of the King", 16.09.2014, available from: http://www.btselem.org/jerusalem/national_parks_al_bustan_garden_of_the_king; Ir Amim, "The Giant's Garden", p. 5; H. Ofran, "Invisible Settlements in Jerusalem", *Palestine-Israel Journal*, Vol. 17, No. 12, 2011, available from: http://www.pij.org/details.php?id=1283.

[68] Ir Amim, "Shady Dealings in Silwan", May 2009, p. 33, available from: http://www.ir-amim.org.il/sites/default/files/Silwanreporteng.pdf.

[69] Bimkom, "From Public to National: National Parks in East Jerusalem", 2012, p. 27, available from: http://bimkom.org/eng/wp-content/uploads/From-Public-to-National_English_FINAL2012_withMAPS_lowres1.pdf.

[70] Office for Coordination of Humanitarian Affairs, "East Jerusalem — Key Humanitarian Concerns", pp. 34-35.

[71] DCI-Palestine, "Arrest and abuse by Israeli police part of life for children in Silwan", 22.02.2014, available from: http://www.dci-palestine.org/arrest_and_abuse_by_israeli_police_part_of_life_for_children_in_silwan; B'tselem, "Caution: Children Ahead".

[72] A total of 70 of the children were under the age of 13. Wadi Hilweh Information Center — Silwan, Annual Report 2014, 8.01.2015, available from: http://silwanic.net/?p=55921.

[73] Madaa Creative Center, Silwan, "The Impact of Child Arrest and Detention", 2012, pp. 14-16, available from: http://www.roomno4.org/wp-content/uploads/2013/12/2012-Madaa-Report-on-Child-arrest-and-Detention-in-Silwan.pdf. See also B'tselem, "Caution: Children Ahead".

Conclusion

49. Settlement activities in Silwan have been supported by different governmental bodies, the Jerusalem municipality and private settlers' organizations.

50. The impact of these activities on the rights and daily lives of Palestinians in Silwan is multifaceted and the situation as of May 2015 remains tense. Clashes sparked by the presence of settlers have resulted in injuries. Security forces in Silwan regularly detain children, mainly for stone throwing. Meanwhile, the local inhabitants are running out of space to live, with many at risk of their houses being demolished, while plans are made to build hotels and national parks in the limited space.

51. Settlement expansion in Silwan and around the Old City is changing the status quo and the character of East Jerusalem, and creating a physical separation between the Palestinian neighbourhoods and the Old City. Frequently expressed Palestinian aspirations remain to see East Jerusalem, including the Old City, as the future capital of the Palestinian State. The continuation of such settlement activities in East Jerusalem place significant obstacles to the peaceful settlement of the conflict.

C. Case study: settlement corridor in the northern West Bank around Shiloh settlement and Qaryut

Overview

52. In the northern West Bank, a cluster of settlements and outposts, with Shiloh at its centre, forms a near contiguous line of settlement-controlled land, stretching from the Green Line (1949 Armistice demarcation line) in the West, to the Jordan Valley in the East, effectively linking isolated outposts in the heart of the West Bank to the settlement of Ariel. The gradual growth of this settlement corridor is taking place to the detriment of the political, economic, social and cultural rights of over 35,000 Palestinians living in 10 nearby rural villages.[74]

53. The death of Palestinian Minister Ziad Abu Ein in December 2014 brings to the fore these intersecting concerns. Mr. Abu Ein was with protesters on Human Rights Day, peacefully demonstrating against the settlement of Adei Ad, residents of which have repeatedly attacked Palestinians and prevented them from cultivating their own land. The Israeli High Court has also called for dismantling the settlement, which is considered illegal under Israeli law. Ziad Abu Ein died following an assault by an Israeli soldier during a scuffle at the protest.[75]

54. The Shiloh settlement corridor, consisting of four settlements (Shiloh, Rechelim, Ma'ale Levona and Eli) and some 14 outposts, with a total estimated

[74] Palestinian Central Bureau of Statistics, http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/nabls.htm. The following Palestinian villages and towns have been identified as directly affected by settlement expansion in the area: Al Lubban ash Sharqiya, Al Mughayyir, As Sawiya, Jaiud, Qaryut, Qusra, Sinjil, Talfit, Turmus'ayya, Yasuf and Yatma.

[75] "Zeid says Israel must take action to curb rise in protest fatalities in Occupied Palestinian Territory", Geneva, 12.12.2014, available from: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15416&LangID=E#sthash.OTVoun3q.dpuf. A joint Israeli-Palestinian autopsy could not agree on the exact cause of death, see http://www.aljazeera.com/news/middleeast/2014/12/palestine-minister-autopsy-results-disputed-201412116185 7231665.html.

population of 8,747,[76] has been established and grown through a combination of measures, which typify modalities of informal settlement expansion documented throughout the West Bank. Largely based on restricting or discouraging Palestinian movement and access, these practices lead to the de facto appropriation of land by settler groups.[77] In the corridor, informal measures primarily implemented by settlers in the area, include the erection of unauthorized residential outposts, illegal takeover and cultivation of Palestinian farmland, and the establishment of archaeological excavation and touristic sites. Such practices facilitate the exertion of control over lands that are often well beyond the built-up areas or even the outer security perimeter of the settlements. In the area around Qaryut in particular, these settlement expansion tactics have frequently been enabled by acts of violence and intimidation targeting Palestinian residents of the area.

55. Illegal activity originating from the Shiloh settlement corridor is facilitated by both passive and proactive measures by Israeli authorities. These range from the absence of law enforcement towards settlers — for criminal as well as civil offences including unauthorized construction — to steps taken by the Israel Defense Forces towards the formalization and implementation of movement and access restrictions. In addition, the Israeli authorities have allocated land and resources for the erection of unauthorized outposts, and have been engaged in their retroactive formalization. Finally, large-scale public investment in tourism sites managed by settlers is further cementing the presence and expansion of settler-controlled lands in this area.

Settler violence and restrictions on access to land and resources

56. Settler violence and other criminal offences committed by Israeli civilians in the area against Palestinian residents have been met with a near absence of law enforcement by the Israeli authorities. Of a sample of 116 police investigations into alleged settler offences monitored by Israeli human rights organization Yesh Din from 2005 to 2015 in the Shiloh settlement corridor, 95 per cent ended without prosecutions.[78]

57. Between January 2012 and May 2015, the Office for Coordination of Humanitarian Affairs recorded a total of 103 settler-related incidents perpetrated against Palestinians in the communities identified above. Of these, 22 resulted in Palestinian casualties and the remainder involved damage to Palestinian property, including to at least 13,000 olive trees, a main source of income for Palestinian communities in the area.

58. Illegal settler activity, often enabled by policies and practices of the Israeli authorities, must be understood in the context of the systematic violations of the rights of Palestinians. Intimidation and violence against Palestinian farmers, landowners and herders serves to establish de facto no-go zones, and results in the gradual dispossession of Palestinian rural communities, while clearing a path for the expansion of the areas under effective settler control. Further compounding this

[76] Population data for settlements and outposts based on Peace Now estimates for 2011 except Shvut Rachel, HaBait Ha'adom and Rechalim, 2008, available from: http://peacenow.org.il/eng/content/settlements-and-outposts.

[77] Forthcoming publication, Office for Coordination of Humanitarian Affairs, *The humanitarian impact of informal settlement expansion*, 2015.

[78] The sample represents results of police investigation files monitored in Al Mughayyir, Jalud, Qaryut, Sinjil and Turmus'ayya. Yesh Din, unpublished data.

cycle, the culture of impunity enjoyed by settlers reinforces the boldness of attacks,[79] in turn causing Palestinian farmers and landowners to further restrict their movements out of fear of violence and harassment.[80]

59. A range of Israel Defense Forces practices contribute to the cycle. These include the frequent failure of Israel Defense Forces units to provide adequate protection to Palestinian residents from settler attacks, the declaration of no-go zones for Palestinians, and the institution of a permit regime by which Palestinian landowners are granted rare access to their land after coordination with the Israel Defense Forces to ensure safety of movement (A/HRC/22/63).[81] Towards the easternmost end of the Shiloh corridor, in the areas adjacent to the outposts of Adei Ad, Ahiya, Esh Kodesh, HaBait HaAdom and Kida, Palestinian landowners' access to land is almost entirely blocked, barring a few days for the ploughing and harvesting season under the coordination regime.[82]

60. The erection of roadblocks, checkpoints and road gates by Israel Defense Forces further restricts Palestinians' movement and access to land. 98.5 km of roads in the area around Qaryut are prohibited for Palestinian vehicular use (of which 77.5 km are inside settlements and settlement outer limits, or connecting settlements).[83] According to the Office for Coordination of Humanitarian Affairs, the 14 settlement outposts located in the Shiloh settlement corridor exert control over more than 150 hectares of Palestinian privately owned land.[84] The failure of Israeli authorities to protect the private property and freedom of movement of Palestinian residents of the area, not only runs counter to Israel's obligations under international humanitarian law to ensure the protection of the Palestinian population under its occupation, but further constitutes a violation of a range of human rights, including the right to an adequate standard of living.

Retroactive formalization of outposts

61. The Government of Israel has also taken deliberate, formal steps towards consolidating the presence of settlers and settlements in this part of the West Bank, including by way of a "silent policy" of retroactive formalization of unauthorized outposts noted above.[85]

62. In the Shiloh settlement corridor, this has become apparent with the approval of Rehelim and Kfar Nehemia as new settlements to the east of Ariel, effectively

[79] According to Yesh Din data, in 2013-2014, 28.3 per cent of police investigations into alleged offences by Israeli civilians in the West Bank took place inside villages, including attacks on Palestinian homes. Yesh Din, "Law Enforcement on Israeli Civilians in the West Bank", November 2014, available from: http://www.yesh-din.org/infoitem.asp?infocatid=636.

[80] Yesh Din, "The Road to Dispossession", March 2013, pp. 74-143 and map on p. 124, available from: http://www.yesh-din.org/infoitem.asp?infocatid=324.

[81] Ibid; A Hass, Israeli soldiers are licensed thugs applying state violence in the West Bank, Amira Hass, *Haaretz*, 15.12.2014, available from: http://www.haaretz.com/news/diplomacy-defense/.premium-1.631735.

[82] Kerem Navot, "Israeli Settler Agriculture as a Means of Land Takeover in the West Bank", August 2013, p. 93, available from: http://rhr.org.il/heb/wp-content/uploads/Kerem-Navot.pdf.

[83] Access restrictions include 13 earth mounds, 6 roadblocks, 1 checkpoint and 5 road gates, 2 earth walls, and 4 road barriers with a total length of 2.2 km.

[84] Office for Coordination of Humanitarian Affairs, unpublished data.

[85] Peace Now, "Netanyahu Established 20 New Settlements for Tens of Thousands of Settlers", 12.03.2015, available from: http://peacenow.org.il/eng/OutpostsLegalized.

expanding the reach of this settlement bloc. In addition, Israeli authorities have initiated procedures to allow for the retroactive approval of Haroeh, HaYovel and Shvut Rachel outposts, which will result in the further eastward consolidation of settlement control over land. Thousands of settlers who engaged in the unauthorized establishment of settlement outposts and illegal construction inside them, already protected by the Israel Defense Forces,[86] are "rewarded" with the retroactive formalization of these settlements.[87]

Archaeology and tourism

63. As in Silwan and other parts of the West Bank, Israel's policies and practices to promote tourism and archaeology sites in the areas around Qaryut consolidate settler presence there while excluding Palestinians from the right to participate in and enjoy the area's cultural life and heritage.

64. Shiloh and its satellite settlements and outposts have seen extensive private and public investments in tourism in recent years. The area is promoted by the regional settlement council (Binyamin Regional Council) as "the land of biblical heroes", targeting a broad Israeli and international public[88] with attractions and activities ranging from expansive archaeological excavations to wine tasting, cycling routes and picnic sites.[89] Several of the advertised tourism destinations are located inside unauthorized settlement outposts and known hotspots for settler violence against Palestinian residents.

65. Khirbet Seilun (promoted by Israeli authorities and settler bodies as Tel Shiloh), located on the land of the Palestinian village of Qaryut, and within the boundaries of the settlement of Shilo, is one of the most well-funded Israeli archaeological tourist sites[90] in the West Bank.[91] It is administered by the Binyamin Regional Council and a private settler organization, and features a watchtower, a visitors' centre and event facilities, offering educational activities, biblical arts and crafts workshops and guided tours. In 2012, "Tel Shiloh"' was incorporated into a national heritage development programme by a Government Decision, with an initial 5 million shekels in public funds allocated towards its development.[92] In 2014, further attesting to its significance to the consolidation of the settler presence in the area,[93] the Binyamin Regional Council submitted master plans for the site to the Civil

[86] The Rights Forum and Yesh Din, "Under the Radar", p. 12.

[87] Ibid.

[88] Y Avivi, "Israel's settlement tourism", 13.06.2014, available from: http://www.al-monitor.com/pulse/originals/2014/06/tourism-west-bank-settlements-green-line.html#.

[89] See Binyamin Regional Council website at: http://www.binyamin.org.il/?CategoryID=704.

[90] The Israeli Ministry of Tourism refers to the site as "one of the most dramatic in the country", see: http://www.goisrael.com/tourism_eng/tourist%20information/jewish%20themes/jewish_sites/pages/tel%20shiloh%20jew.aspx.

[91] Emek Shaveh, "Interim conclusions from the discussion of the objections to the development plans of Tel Shiloh (Khirbet Seilun)", 12.08.2014, available from: http://alt-arch.org/en/press-release-tel-shiloh/.

[92] $1.3 million, see: http://www.pmo.gov.il/mediacenter/spokesman/pages/spokemoreshet140212.aspx (Hebrew).

[93] "Tel Shiloh" has also been the site of numerous ministerial visits. Most recently, Israeli Minister of Education (at the time, Minister of Housing) Naftali Bennet, can be seen in December 2014 encouraging the revival of an ancient tradition to visit the site during Jewish High Holidays: available from: https://www.facebook.com/AncientShilo/videos/vb.290996024346212/662677760511368/?type=1&theater (Hebrew).

Administration, proposing its further development to include over 300,000 square metres of land, including the construction of an amphitheatre, a commercial tourism centre, a hotel and parking lots to accommodate 5,000 visitors per day.[94]

66. According to archaeologists with the Israeli organization Emek Shaveh, the narrative presented by tour guides, audiovisual presentations and signage at "Tel Shiloh" emphasizes biblical events, with Jewish-Christian faith and tradition determining the content of the antiquities site to the exclusion of a full archaeological accounting of the range of artefacts that have in fact been found at the site. There is a disregard for the Muslim and Palestinian history of the site, including the ruins of a mosque.[95] Exacerbating the exclusion of the area's residents and their ties to the site in the narrative chosen by the site's administrators, Palestinians, until recently, were prohibited from accessing Khirbet Siloun or the entire "Tel Shiloh" complex, owing to security restrictions imposed by Israel.[96]

Conclusion

67. The gradual expansion of lands under settlement control in the area around Qaryut has resulted in the consolidation of settler control over a corridor of Area C land stretching from the Green Line to the Jordan Valley. This "corridor" is further fragmenting the West Bank, with direct detrimental consequences for Palestinians' right to self-determination.

68. Israel's policy of retroactive formalization of outposts in the area sets a dangerous precedent by effectively rewarding unlawful behaviour, and thereby potentially further entrenching the cycle of violence in the area, as well as more broadly throughout the West Bank.

69. The creation and consolidation of unauthorized outposts in the "Shiloh corridor" was brought about through violence, intimidation and unlawful activity that have resulted in violations of the rights of Palestinian residents of the area.

D. Settlement expansion and the viability of the two-State solution

70. As the outgoing United Nations Special Coordinator for the Middle East Peace Process noted in his final briefing to the Security Council, "Illegal settlement activity simply cannot be reconciled with the objective of a negotiated two-State solution and may kill the very possibility of reaching peace on the paradigm of two States for two peoples." He warned that "the minimum conditions of trust cannot be restored without the new Israeli government taking credible steps to freeze settlement activity."[97]

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[94] Emek Shaveh, "Tel Shiloh (Khirbet Seilun) — Archaeological settlement in the political struggle over Samaria", November 2014.

[95] Ibid., p. 22.

[96] See "Archaeological Dig Inside Settlement Must Be Open to Palestinians, Civil Administration Decides", *Haaretz*, Friday, 12 August 2015, where the Israeli Civil Administration in a recent decision insists that the site should be made available to all, including Palestinian visitors.

[97] Robert Serry, Special Coordinator for the Middle East Peace Process, Briefing to the Security Council on the Situation in the Middle East, 26.03.2015, available from: http://www.unsco.org/Documents/Statements/MSCB/2008/Security%20Council%20Briefing%20-%2026%20March%202015.pdf.

71. The Secretary-General has called on the Government of Israel on a number of occasions "to halt and reverse such decisions in the interest of peace and a just final status agreement," most recently following a flurry of settlement activity in early May 2015.[98]

72. Just before the March 2015 elections, Prime Minister Netanyahu reportedly committed to continued building in East Jerusalem during a tour of Har Homa settlement, promising that "we will continue to build in Jerusalem; we will add thousands of housing units."[99]

73. This follows a series of declarations and actions in recent years by various Israeli politicians aimed at obtaining a formal endorsement by the State of the 2012 "Report on the Legal Status of Building in Judea and Samaria" (the Levy Report). The Levy Report contains a legal analysis of the settlements that has been challenged as flawed, and, if its recommendations were to be implemented, would clear the way for large-scale settlement expansion.[100] The legalization of outposts is a stated political objective of HaBayit HaYehudi — one of the parties of the governing coalition Government.

74. The continued existence of the settlements drives violations of human rights in the Occupied Palestinian Territory and challenges the viability of the two-State solution. The Secretary-General reiterates his call on Israel to demonstrate its stated commitment to peace with the Palestinians by ceasing and reversing settlement activity (A/HRC/28/45, paras. 43-45).

V. Settlements in the occupied Syrian Golan

75. In the occupied Syrian Golan, about 21,000 settlers continue to live in 33 Israeli settlements.[101] In line with previous measures to consolidate the presence of settlements and settlers, reportedly, in July 2014, an Israeli college in the occupied Syrian Golan offered a wide range of financial incentives to prospective students in order to increase its enrolment into the college. The college, located in Katzrin settlement, seeks to double its enrolment to 2,500 students over the next seven years. It is reported that in order to do so, Israeli authorities will invest

[98] Statement attributable to the Spokesman for the Secretary-General on Israeli settlements in the occupied West Bank, including East Jerusalem, 15.05.2015, available from: http://www.un.org/sg/statements/index.asp?nid=8632.

[99] Agence France Press," If reelected, Netanyahu vows wave of E. Jerusalem building", 16.03.2015, available from: http://news.yahoo.com/netanyahu-attacks-rivals-jerusalem-last-pitch-voters-110810742.html.

[100] "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk" (A/HRC/25/67), 13.01.2014. For detailed critiques of the analysis of the Levy Report, see, for example: Yesh Din, "Unprecedented: A Legal Analysis of the Report of the Committee to Examine the Status of Construction in Judea and Samaria", May 2014, available from: http://www.yesh-din.org/infoitem.asp?infocatid=580; I. Scobbie, "Justice Levy's Legal Tinsel: The Recent Israeli Report on the Status of the West Bank and Legality of the Settlements", 6.09.2012, available from: http://www.ejiltalk.org/justice-levys-legal-tinsel-the-recent-israeli-report-on-the-status-of-the-west-bank-and-legality-of-the-settlements/.

[101] A/68/513, para.53, and "Residents in the Occupied Golan Heights Fear Creeping Israeli Presence", Middle East Eye, 2.09.2014. http://www.middleeasteye.net/news/golan-heights-residents-fear-creeping-israeli-presence-587458799.

millions in the settlement, including building new student accommodation, and provide monthly stipends of up to 75 per cent for rent fees.[102]

76. The government-sponsored agricultural expansion has also been linked to Israel's efforts to increase the settler presence in the occupied Syrian Golan for the purpose of further exploiting the natural resources of the territory for economic gain.[103] Reportedly, on 11 September 2014, an Israeli company was granted exclusive licence to conduct exploratory drilling for oil in 10 possible locations in the occupied Syrian Golan.[104] Shortly thereafter, the Israeli High Court reportedly froze the company's efforts to proceed with exploratory drilling, owing to a petition submitted by environmental activists. The petition remains undecided. In this connection, the Secretary-General previously raised concerns regarding Israeli Government-sponsored investments in the occupied Syrian Golan, including licences granted for oil and gas exploration by multinational companies (A/68/513, para. 54).

VI. Conclusions and recommendations

77. **Israeli settlement-related activities and settler violence are at the core of many of the violations of human rights in the Occupied Palestinian Territory, including East Jerusalem.**

78. **Israel must halt the creation and expansion of settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan. In addition, the Secretary-General calls on Israel to immediately stop using land control methods, such as agriculture, archaeological parks and educational centres, aimed at expanding the area effectively occupied by settlements.**

79. **Settlement expansion, including in areas such as Silwan and around Qaryut in the northern West Bank, takes multiple forms and is supported and encouraged by the Israeli authorities in stark contravention of international law, including through retroactive legalization of outposts under Israeli law. The result is a significant obstacle to the exercise of Palestinians' right to self-determination.**

80. **The existence and growth of the settlements is closely linked to the deprivation of the rights of Palestinians. Touristic and archaeological developments deprive Palestinians of access to land as well as their cultural rights. At the same time, settlers' presence in these areas increases tension. The Israel Defense Forces is deployed to defend settlements established in contravention of Israeli law. The security of Israeli settlers outplays that of Palestinians, undermining the equal application of the law. As the occupying Power, Israel is responsible for the protection and welfare of Palestinians in the Occupied Palestinian Territory.**

81. **As settlements expand, Palestinians face an array of obstacles in terms of building their own homes, including the threat of demolition.**

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[102] "As world watched Gaza, Israel announced 1472 new settlements in the West Bank", Mondoweiss blog, 30.08.2014.

[103] http://golan-marsad.org/wp-content/up'oads/Settlement-Agricultural-Expansion-in-the-Golan-Final-editedCrystal.pdf.

[104] "Israel's oil drilling in Golan criticised", 30.12.2014, *Al-Jazeera*.

82. The Government of Israel must stop funding and supporting touristic and archaeological projects, often managed by settler organizations, which contribute to the consolidation of settler presence in the Occupied Palestinian Territory and result in violations of the rights of Palestinians, including their rights to self-determination and freedom of movement.

83. Continued settlement expansion and related violations of the Palestinians' rights run counter to the objective of a negotiated *two*-State solution. The Government of Israel must fulfil its obligations under international humanitarian law to cease the transfer of its civilian population into occupied territory and must immediately freeze and reverse all settlement activity.

84. The Government of Israel must implement relevant United Nations resolutions, including Security Council resolutions pertaining to territories occupied since 1967.

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Item 73 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Islamic Republic of Iran

Report of the Secretary-General

Summary

The report is submitted in accordance with General Assembly resolution 69/190, in which the Assembly requested the Secretary-General to report to it at its seventieth session on the progress made in the implementation of the resolution. The report reflects patterns and trends in terms of the human rights situation in the Islamic Republic of Iran and includes recommendations to improve the implementation of the resolution.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/190, in which the Assembly requested the Secretary-General to report to it at its seventieth session. The report provides information on progress made in the implementation of the resolution, with a focus on the concerns identified in that resolution.

2. In preparing the present report, the Secretary-General has drawn upon observations made by the United Nations human rights treaty monitoring bodies, the special procedures of the Human Rights Council and various United Nations entities. Reference is also made to information from official State media and non-governmental organizations.

3. Since the issuance of the most recent report of the Secretary-General on the subject to the Human Rights Council (A/HRC/28/26), the application of the death penalty, including in relation to drug-related offences and executions in public, has continued at an alarmingly high rate. In addition, journalists, human rights defenders and women human rights activists have continued to face arrest, detention and prosecution for exercising their profession or their legitimate rights to freedom of expression and association. Furthermore, the situation of women's human rights remains of major concern, in particular in the light of the number of child marriages and the underrepresentation of women in the labour force and in decision-making positions.

4. The Government of the Islamic Republic of Iran has continued to engage constructively with the United Nations treaty bodies and submitted its periodic reports to the Committee on the Rights of the Child (CRC/C/IRN/4) and the Committee on the Rights of Persons with Disabilities (CRPD/C/IRN/1). It also engaged substantively with the Working Group on the Universal Periodic Review for the second cycle of its universal periodic review, in October 2014. Although it has invited the Special Rapporteur on the right to food to visit the country, requests to visit from other mandate holders, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, remain unaddressed.

5. The Secretary-General welcomes the agreement between China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, with the High Representative of the European Union for Foreign Affairs and Security Policy, and the Islamic Republic of Iran on the latter's nuclear programme, which could contribute to peace and stability in the region. The agreement will also pave the way for the lifting of economic sanctions, which is important for the promotion and protection of economic, social and cultural rights. The Secretary-General believes that the lifting of economic sanctions and unilateral coercive measures will help to relieve the negative effects of sanctions on the population. He encourages the Government to accord priority to the protection and allocate adequate resources for the promotion of human rights in its strategies and planning.

II. Overview of the human rights situation in the Islamic Republic of Iran

A. Death penalty

1. Use of the death penalty

6. The Secretary-General remains concerned at the frequency of executions, especially for drug-related offences and of juvenile offenders, which occurred during the reporting period. The Secretary-General regrets the Government's decision to reject 40 of 41 recommendations that it received concerning the death penalty during the second cycle of its universal periodic review, notwithstanding the ever-growing concerns about the increased number of executions and the numerous appeals to the Government to put in place a moratorium on the use of the death penalty. The Government accepted only a recommendation to take measures to ensure due process and a fair trial, in particular in any process that could lead to the application of the death penalty (see A/HRC/28/12 and Add.1).

7. There has been a steady upward trend in the number of executions from 2008 to 2015, with a peak of at least 750 in 2014 (see A/HRC/28/70, para. 13). Executions for drug-related offences account for more than 70 per cent of all executions. At least 520 people were executed during the first half of 2015, including 384 for drug-related offences. On 8 May 2015, the special rapporteurs on the situation of human rights in the Islamic Republic of Iran and on extrajudicial, summary or arbitrary executions publicly condemned the sharp increase in executions that had occurred despite serious questions about fair trial standards. They observed that, in many instances, executions went unreported by official sources and the names of prisoners were not published.[1]

8. The Government continues to argue that the application of the death penalty is confined to the most serious crimes, which, under Iranian law, include drug trafficking. It argues that the death penalty serves as a deterrent, especially for drug-related offences,[2] and is applied only to offenders who committed crimes against law enforcement officers and citizens in the course of drug trafficking and were found guilty in judicial proceedings meeting fair trial standards. The anti-narcotics legislation provides for the death penalty for a broad range of drug-related offences and automatically triggers such a sentence when a minimum threshold quantity of a drug is involved, such as 30 g for specific drugs (see ibid., para. 14).

9. Given the steady upward trend in the number of executions in recent years, the Secretary-General questions the effectiveness of the death penalty as a deterrent and urges the Islamic Republic of Iran to seek alternative solutions that comply with international human rights law and standards. In that context, and to examine alternative strategies to combat drug-related offences, the Secretary-General encourages the Government to engage with the Office of the United Nations High

[1] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=15937.

[2] See the statement of the High Council for Human Rights of the Islamic Republic of Iran in response to the joint press statement issued on 8 May 2015 by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on extrajudicial, summary or arbitrary executions, available from http://en.humanrights-iran.ir/news-22714.aspx.

Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime, which have offered technical dialogue and support to the authorities.

10. The Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran has been a State party since 1975, has repeatedly stressed that capital punishment for drug-related offences does not comply with the "most serious crimes" requirement under article 6 of the Covenant, which international human rights jurisprudence has defined as murder or intentional killing (see E/2010/10, paras. 56-68). That interpretation has been reiterated by the Secretary-General, the United Nations High Commissioner for Human Rights and the Special Rapporteur on extrajudicial, summary or arbitrary executions, who have also stressed that drug-related offences that do not involve intentional killing do not meet that threshold.[1] The United Nations Office on Drugs and Crime has also consistently expressed concern about drug-related offences being qualified as the "most serious crimes" in its high-level talks with senior Iranian officials, while the International Narcotics Control Board recently encouraged States that still imposed the death penalty for drug-related offences to abolish that punishment.[1] While the Government asserts that its regulations allow for the death penalty only for the most serious crimes, the Secretary-General is concerned that capital punishment is used for crimes that do not meet that threshold. He urges the Islamic Republic of Iran to consider strengthening its anti-money-laundering laws and ratifying the United Nations Convention against Transnational Organized Crime and the Protocols thereto in order to help to eradicate drug trafficking and related offences.

2. Public executions

11. While a circular banning public executions was issued by the former head of the judiciary in January 2008, the Secretary-General is disturbed about the persistence of the practice, which has a dehumanizing effect on both the victim and the observers, reinforcing the cruel, inhuman and degrading nature of capital punishment. Of the 520 executions recorded in the first half of 2015, 28 were public. There were also reportedly 53 public executions in 2014 (see A/HRC/28/70, para. 13).

12. In its response to the joint statement of 8 May 2015 by the special rapporteurs on the situation of human rights in the Islamic Republic of Iran and on extrajudicial, summary or arbitrary executions, the Government stated that public executions were conducted only in certain limited circumstances, while observing specific laws, to deter drug-related offences. Reports have indicated, however, that as recently as 9 June 2015 three people were publicly hanged in two cities for rape. In addition, while the Government has given assurances that measures are taken to avoid the presence of minors at the site of executions,[2] photos taken at such sites often show children in the audience. In its concluding observations on the third periodic report of the Islamic Republic of Iran, the Human Rights Committee was concerned about the continued use of public executions and recommended its prohibition (CCPR/C/IRN/CO/3, para. 12). The Secretary-General encourages the Government to promptly end all public executions.

[1] See www.incb.org/documents/Publications/PressRelease/PR2014/press_release_050314.pdf.

3. Execution of minors

13. Regardless of the circumstances and nature of the crime, the use of the death penalty for crimes committed by persons under 18 years of age is explicitly prohibited by international human rights law, especially under article 6 of the International Covenant on Civil and Political Rights and article 37 of the Convention on the Rights of Child. While the Islamic Republic of Iran is a State party to both those instruments, juvenile executions continue to occur regularly. No official data on children in conflict with the law, in particular those at risk of execution, are publicly available. Nonetheless, as at 2014, there were reportedly 160 juveniles at risk of execution (see A/HRC/28/26, para. 14) and at least 13 juvenile offenders were reportedly executed in 2014 and 1 in 2015 (see A/HRC/28/70, para. 15). In commenting on the present report, the authorities stated that most of those executed were over 18 years of age when they committed the offences.

14. The revised Islamic Penal Code, which entered into force in June 2013, allows capital punishment for a juvenile offender unless he or she is found to have lacked the mental capacity to comprehend the nature and consequences of the crime. Regardless of that revision, in November 2014, the head of the judiciary, Sadegh Amoli Larijani, reportedly expressed support for the execution of adults who were minors when they committed an offence. According to Mr. Larijani, "we don't have a reason to ignore the heirs to the blood right of *qisas* [retribution in kind] when a person that was 17.5 years old at the time of the crime turns 25" (see ibid., para. 19). In commenting on the present report, the authorities stated that *qisas* was a private right of the victim's family that could not be overruled by the judiciary. They added that the judiciary demonstrated a high degree of leniency and flexibility in juvenile cases and had established a working group to help to prevent juvenile executions, including by encouraging the families of victims and perpetrators to reach a settlement and offering financial aid.

15. On 18 February 2015, the special rapporteurs on the situation of human rights in the Islamic Republic of Iran and on extrajudicial, summary or arbitrary executions publicly urged the Government to halt the execution, scheduled for 19 February, of Saman Naseem, who had been sentenced to death for alleged offences committed at 17 years of age. He had been convicted of *moharebeh* (enmity against God) and *mofsed fel-arz* (corruption on Earth) for alleged involvement in armed activities on behalf of the Party of Free Life of Kurdistan. He had reportedly been tortured into confessing.[4] In commenting on the present report, the authorities stated that Mr. Naseem was being held in Orumiyeh prison and that his case was under review by the judiciary.

B. Restrictions on freedom of opinion and expression

1. Freedom of expression

16. Freedom of expression and information is the cornerstone of any free and democratic society and any restrictions must be proportional in severity and intensity to the purpose being sought in article 19 (3) of the International Covenant on Civil and Political Rights and may not become the rule. The Secretary-General notes the renewed commitment of the President of the Islamic Republic of Iran to

[4] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15582&LangID=E.

loosening restrictions on freedom of expression and his advocacy for freedom of speech as a basic human right. There have, however, been few signs of progress in improving the conditions for exercising the right to freedom of expression and information, notwithstanding the President's pledges to relax the strict State controls on media publications, Internet access and the work of media activists. In 2015, Reporters Without Borders ranked the Islamic Republic of Iran 173rd of 180 countries in terms of press freedom. Journalists are often arbitrarily and disproportionately charged with national security offences or with spreading propaganda against the system and given a range of punishments, including imprisonment, thereby restricting and inhibiting their ability to exercise their legitimate right to freedom of opinion and expression.

17. The Secretary-General regrets the Government's refusal to accept all the recommendations concerning freedom of expression that it received during the second cycle of its universal periodic review. The Government accepted only four recommendations and partially accepted six others, while rejecting recommendations to cease censorship of the media and harassment of journalists, release persons detained for peacefully exercising freedom of expression, amend press laws and end its strict surveillance of the Internet and social media (see A/HRC/28/12 and Add.1).

18. Although Iranian laws protect freedom of expression, there are multiple, including severe, restrictions on its exercise by the press. Article 24 of the Constitution states that "publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public". That vague formulation allows for broad interpretation and arbitrary application (see A/69/306, para. 28). The Press Law provides that the press has the right to "publish the opinions, constructive criticism, suggestions and explanations of individuals and government officials for public information while duly observing the Islamic teachings and the best interest of the community". While its article 4 provides that "no government or non-government official should resort to coercive measures against the press to publish an article or essay, or attempt to censure and control the press", it contains many restrictions that lend themselves to multiple interpretations, giving little guidance to journalists but abundant opportunity for authorities to censor.[5] The vulnerability of those open-ended provisions to abuse and the harsh forms of punishment provided for threaten and undermine freedom of expression.

19. The Islamic Republic of Iran has one of the highest levels of journalists in detention. In 2015, the Committee to Protect Journalists ranked it as among the 10 most censored countries. On 5 June 2015, the special rapporteurs on the situation of human rights in the Islamic Republic of Iran and on the promotion and protection of the right to freedom of opinion and expression expressed serious concern at the arbitrary and unlawful arrest, detention and prosecution of journalists and at the recurrent use of vague references to threats to national security, propaganda against the system and insult to authorities to prosecute and detain journalists. They stressed that silencing those critical voices undermined public debate and deprived Iranians and the rest of the world of important information on the reality in the country.[6] Echoing those concerns, the Secretary-General reiterates that detaining and

[5] See Human Rights Watch, *As Fragile as a Crystal Glass: Press Freedom in Iran* (October 1999). Available from www.hrw.org/reports/1999/iran/Iran99o-03.htm#P147_42698.

[6] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16042&LangID=E.

imprisoning journalists on vaguely defined national security charges, including conspiracy, anti-government messages and other activities found objectionable by a Government, such as working with human rights organizations, is unacceptable and undermines the country's national and international obligations.

20. On 25 May 2015, the trial of an Iranian-American reporter with the *Washington Post*, Jason Rezaian, and his wife, Yeganeh Salehi, a correspondent for the *National*, a newspaper in the United Arab Emirates, began behind closed doors. They are charged with espionage, collaboration with hostile Governments, gathering classified information and disseminating propaganda against the Islamic Republic of Iran. A second hearing was conducted on 8 June. Requests by Mr. Rezaian's family and representatives of the *Washington Post* to observe the hearings were not granted. Such closed-door proceedings may amount to a violation of the country's obligation under article 14 (1) of the International Covenant on Civil and Political Rights, which guarantees a right to all parties in civil and criminal trials to fair and public hearings. Mr. Rezaian has been arbitrarily detained since 22 July 2014, including for several months in solitary confinement, and was not formally charged for some 10 months. It appears that his arrest and prosecution are linked to his profession as a journalist and his legitimate exercise of the right to freedom of expression. In commenting on the present report, the authorities stated that Mr. Rezaian had been held in solitary confinement for 45 days, had had access to his family during the investigation phase and had benefited from health and welfare facilities.

21. On 2 February 2015, a former journalist, Abbas Salimi Namin, was sentenced to a term of imprisonment of six months, 74 lashes and a fine for insulting a former President, Mahmoud Ahmadinejad, among others, in a televised debate in 2011.[7] On 1 June 2015, a graphic artist and child rights activist, Atena Farghadani, was sentenced to a term of imprisonment of 12 years and nine months for spreading propaganda against the system, gathering and colluding against national security and insulting parliamentarians and the Supreme Leader, after having drawn a cartoon criticizing parliamentarians. She was arrested on 10 January 2015 after being summoned to Branch 15 of the Revolutionary Court and was reportedly beaten upon arrest in front of her parents and a judge.[8] Those cases appear to be part of a broader crackdown, with individuals exercising their rights to freedom of expression and association increasingly targeted for arrest and prosecution. In commenting on the present report, the authorities, while confirming the sentence handed down to Ms. Farghadani, reported that she had been released on bail and that her sentence was under appeal.

22. The Secretary-General notes with concern the Government's interference with various news publications by closing, suspending and revoking their permits. For example, in late April 2015, a women's monthly publication, *Zanan-e Emrooz*, was suspended[9] under article 6 of the Press Law for "propagating obscene and religiously

[7] See Reporters Without Borders, "Press freedom violations recounted in real time: January 2015". Available from http://en.rsf.org/iran-press-freedom-violations-recounted-21-01-2015,47521.html.

[8] See Michael Cavna, "Iranian artist Farghadani, who drew parliament as animals, sentenced to 12-plus years", *Washington Post*, 1 June 2015. Available from www.washingtonpost.com/news/comic-riffs/wp/2015/06/01/iranian-artist-farghadani-who-drew-parliament-as-animals-sentenced-to-12-plus-years/.

[9] See Shima Shahrabi, "Clueless female reps unaware of shutdown", IranWire, 28 April 2015. Available from http://en.iranwire.com/features/6457/.

forbidden acts and publishing indecent pictures and issues which violate[d] public decency". It had published an article about cohabitating without a formal Islamic marriage.[10] In January 2015, a reformist weekly publication, *Setareh Sobh*, was closed for publishing an open letter criticizing the legality of the detention of the Green Movement leaders.[7] A daily newspaper, *Mardom-e Emrooz*, was also closed in January 2015 after its cover page featured a United States actor, George Clooney, and the phrase "I am Charlie, too", referring to the *Charlie Hebdo* attacks.[11] The Government withdrew the newspaper's permit for being "provocative and insulting Islam". In commenting on the present report, the authorities reported that the three publications were active and that their cases were currently under review by the judiciary.

2. Internet censorship

23. The Secretary-General welcomes the President's statement of September 2014 in which he stressed that Internet censorship was counterproductive and detrimental to Iranian interests and pointed out that creating walls and filters only led individuals to circumvent the national regulations through proxy servers and other methods.[12] The President also urged clerics to be more tolerant of new forms of technology, explaining that it was important for younger generations to have access to the Internet.[13]

24. The Government has taken some steps towards greater Internet freedom, although they have come with significant restrictions and sustained levels of control. In August 2014, it approved faster 3G mobile licences for two Iranian companies, but they did not allow for video-calling functions.[14]

25. The Islamic Republic of Iran has made a transition over the past year towards a policy of "smart filtering", whereby some objectionable content on social media sites is blocked without a complete ban on the websites.[15] Although the policy was framed as an effort to reduce tight restrictions on Internet media, its user identification system remains in violation of users' privacy and the basic right to information. The system allows authorities to designate certain groups and limit their access to information and to control the content of material that individuals can publish online.[13] The targeted nature of the system means that users can be identified, exposing their personal information and activities to security and other

[10] See Ladane Nasseri, "Iran bans women's magazine for backing unmarried households", Bloomberg, 27 April 2015. Available from www.bloomberg.com/news/articles/2015-04-27/iran-bans-women-s-magazine-for-promoting-cohabitation.

[11] See Saeed Kamali Dehgan, "Iranian newspaper shut down for showing solidarity with *Charlie Hebdo*", *Guardian*, 19 January 2015. Available from www.theguardian.com/world/2015/jan/19/iranian-newspaper-mardom-e-emrooz-shut-down-showing-solidarity-charlie-hebdo.

[12] See "Iran Internet: Hassan Rouhani tells clerics web is vital", BBC News, 1 September 2014. Available from www.bbc.com/news/world-middle-east-29017729.

[13] See "Iran's Internet censorship not working: President", Yahoo! News, 6 September 2014. Available from http://news.yahoo.com/irans-internet-censorship-not-working-president-004035916.html.

[14] See International Campaign for Human Rights in Iran, "Official claims of smart Internet filtering overblown, but efforts to monitor users grow", 12 January 2015. Available from www.iranhumanrights.org/2015/01/internet-filtering-iran/.

[15] See "Iran moves to ease Internet censorship via 'smart filtering'", Reuters, 14 May 2014. Available from www.reuters.com/article/2014/05/14/iran-internet-filters-idUSL6N0O04XV20140514.

State agencies.[16] Under the system, individuals engaged in online social or political activism are particularly at risk of arrest, detention and lengthy prison terms.[7] In commenting on the present report, the authorities stated that the blocking and smart-filtering of social media were aimed at preventing incitement to riot, disorder, damage to public property, terrorism, extremism and violence.

26. In March 2015, the authorities blocked two websites, Jamaran and *Bahar*, for posting a photograph of a former President, Mohammad Khatami, after the Supreme National Security Council had banned any coverage of him.[17]

C. Situation of human rights defenders and other civil society actors

27. On 5 June 2015, a group of special rapporteurs publicly expressed concern at the detention and sentencing of human rights activists in the Islamic Republic of Iran.[6] The Special Rapporteur on the situation of human rights defenders has also expressed concern about the arrests, arbitrary detention and imprisonment of human rights defenders, student activists and lawyers on the ground of acting against national security, often without the fundamental guarantees of due process and fair trial (see A/HRC/28/63/Add.1).

28. On 5 May 2015, the former vice-president of the Defenders of Human Rights Centre and one of the founders of the group Step by Step to Stop the Death Penalty, Narges Mohammadi, was arrested to serve the remainder of the six-year prison sentence that she received in April 2012 on charges of assembly and collusion against national security, membership of the Defenders of Human Rights Centre and spreading propaganda against the system. She had begun serving her sentence in April 2012 and been released on bail in July 2012 on medical grounds.[18]

D. Situation of women

29. The Secretary-General notes the Government's full or partial acceptance of 42 of the 53 recommendations on the status of women made during the second cycle of its universal periodic review. He encourages the adoption of practical measures to implement those recommendations and to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

30. On 4 April 2015, the Deputy Minister for Sports announced that women would be permitted to enter sports stadiums and attend some sporting events, ending the ban on women's access to stadiums. The authorities had justified the ban by referring to the lack of proper infrastructure, including seats and sanitary services

[16] See Michelle Moghtader, "Iran expands 'smart' Internet censorship", Reuters, 26 December 2014. Available from www.reuters.com/article/2014/12/26/us-iran-internet-censorship-idUSKBN0K40SE20141226.

[17] See "Two websites linked to reformists blocked", Radio Zamaneh, 27 February 2015. Available from http://archive.radiozamaneh.com/english/content/two-websites-linked-reformists-blocked.

[18] See Reporters Without Borders, "Journalist and human rights activist Narges Mohammadi arrested", 6 May 2015. Available from http://en.rsf.org/journalist-and-human-rights-06-05-2015,47857.html.

for women.[19] The Secretary-General welcomes the announcement and is encouraged by the statements made by the President and the Vice-President for Women and Family Affairs on various occasions, including on International Women's Day, in support of gender equality and the elimination of violence against women, including domestic violence. The Secretary-General also welcomes public statements condemning crackdowns by the religious police for violations of the Islamic dress code and statements recommending that the sanctuary and safety of the home extend to the workplace, the streets and everywhere else in society.

31. Those positive statements and the recent strides made by the Islamic Republic of Iran to improve the situation of women notwithstanding, women continue to face systemic inequalities and discrimination, both in law and in practice, and in all areas of their lives. Some 66 per cent of Iranian women have reportedly experienced domestic violence[20] and a recent study found that 14.1 per cent of women had been subject to violence by their partner during pregnancy.[21]

32. The Islamic Republic of Iran has no specific law criminalizing domestic violence. Women who experience violence must file a complaint under the provisions of the Islamic Penal Code governing bodily assault and satisfy the evidentiary requirements, which include producing two adult male witnesses. There are no support services such as shelters, legal and psychological counselling, specialized assistance or rehabilitation. Women face numerous obstacles when seeking a divorce. Women wishing to leave their husband must prove a significant risk of bodily harm or a threat to their life and safety. Similarly, to obtain a divorce under the Civil Code as a result of domestic violence, women must prove that the abuse was intolerable (see A/69/356, para. 19). In commenting on the present report, the authorities argued that women could file for divorce if they faced violence and that various mechanisms existed to support victims of domestic violence, including intervention and rehabilitation centres, a social emergency telephone line, rehabilitation centres for affected women and girls, 31 health houses and specialized social assistance.

33. The Islamic Penal Code gives husbands significant control over the lives of their wives and children.[21] Article 630 allows a husband to kill his wife if she is caught committing adultery.[22] The Secretary-General finds it regrettable that the proposed comprehensive population and exaltation of family bill (No. 315), currently under discussion by the parliamentary cultural affairs committee, could potentially expose women to increased risks of domestic violence. In the bill, bonuses are proposed for judges on the basis of the number of divorce cases before them that

[19] See Saeed Kamali Dehghan, "Iran's deputy minister for sports: yes, women can go to watch big matches", *Guardian*, 4 April 2015. Available from www.theguardian.com/world/2015/apr/04/iran-national-security-council-women-watch-big-sports-matches.

[20] See Fatemeh Abdollahi and others, "Physical violence against pregnant women by an intimate partner, and adverse pregnancy outcomes in Mazandaran Province, Iran", *Journal of Family and Community Medicine*, vol. 22, No. 1 (2015). Available from www.ncbi.nlm.nih.gov/pmc/articles/PMC4317989/.

[21] See Amnesty International, "You shall procreate: attacks on women's sexual and reproductive rights in Iran" (2015). Available from www.amnestyusa.org/sites/default/files/you_shall_procreate_-_attacks_on_womens_sexual_and_reproductive_rights_in_iran.pdf.

[22] See Mohammad H. Nayyeri, "Gender inequality and discrimination: the case of Iranian women" (Iran Human Rights Documentation Center, March 2013). Available from http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#5.

result in reconciliation rather than divorce. In addition, police intervention in family disputes is discouraged.[23]

34. On 20 June 2015, the Ministry of the Interior issued a circular in which a new dress code for State and private sector employees was introduced. Women are now required to strictly respect the new dress code and to refrain from wearing jewellery and make-up in offices. Women are required to observe the Islamic dress code in public places. More than 2.9 million women reportedly received a warning for failure to observe the code between March 2013 and March 2014. Women are not allowed to travel abroad without permission from their husband or legal custodian, and the Government is reluctant to promote unmarried women in public service. The authorities argue that travel restrictions on women and girls are aimed at preventing the trafficking of women to neighbouring countries.

35. In April 2015, the parliament and the Guardian Council of the Constitution adopted a plan "to promote virtue and prevent vice". It criminalizes the creation of obstacles against "promoters of virtue and preventers of vice", providing for penalties including imprisonment, with "vice" vaguely defined as any deed, saying or omission ordered by sharia or existing legislation. The "headquarters of the promotion of virtue and prevention of vice", which includes the intelligence services and the paramilitary *basij* forces, is responsible for implementing the legislation. Immodest attire was reportedly the motive for several acid attacks and stabbings in late 2014 by unknown individuals on the ground of preventing vice. The Secretary-General is concerned about the considerable increase in the number of laws and public policies that threaten the universally established standards on the rights of women, including freedom of movement, health and economic activity. The Secretary-General is also concerned at the restrictions imposed on access to justice for women and girls who have been subjected to violence, including marital rape.

1. Child marriage

36. According to the Convention on the Rights of the Child, the age of majority is 18 years. However, early marriage remains commonplace in the Islamic Republic of Iran, where the marriageable age for girls is 13 years. Furthermore, girls as young as 9 years of age may be married with permission from a court. The Law on the Protection of Children without Effective Caregivers even allows marriage between a legal custodian and his adopted daughter if a court deems it in the best interest of the child (see A/69/356, para. 40).

37. Between March 2012 and March 2013, more than 40,600 girls under 15 years of age were married. At least 1,537 of the marriages registered in 2012 involved girls under 10 years of age — a significant increase compared with previous years.[24] The number of early marriages reportedly reached an all-time peak in 2013-2014. Recent statistics reveal that 201 girls younger than 10 years of age and more than 41,000 girls between 10 and 14 years of age were married during that period (see ibid., para. 41).

[23] See Amnesty International, "Iran: proposed laws reduce women to 'baby making machines' in misguided attempts to boost population". Available from https://www.amnesty.org/en/latest/news/2015/03/iran-proposed-laws-reduce-women-to-baby-making-machines/.

[24] See Justice for Iran, "Early marriages reach record levels in Iran as Government ignores the international community recommendations to reform the law" (18 May 2015). Available from http://justice4iran.org/publication/call-for-action/early-marriages-reach-record/.

38. The Secretary-General welcomes the efforts of the Office of the Vice-President for Women and Family Affairs, along with the State Welfare Organization and the Ministry of Justice, to finalize a bill to abolish the provisions allowing marriage between a legal custodian and his adopted daughter. The Secretary-General is deeply concerned, however, at the increase in the number of child marriages and urges the authorities to repeal the relevant laws so as to increase the age of marriage as matter of urgency and to have in place safeguards and guarantees to protect the rights of women and girls who are already married. Child marriage violates the dignity of women and girls.

2. Right to education

39. The Secretary-General commends the Islamic Republic of Iran for its progress regarding women's access to education. It has almost achieved universal enrolment and gender parity at all educational levels, with the gender parity index in primary and secondary education reported as 0.99 and 0.96, respectively. Furthermore, 99 per cent of women between 15 and 24 years of age are reportedly literate.

40. Following the institution of gender-rationing policies in 2012, however, the percentage of female students entering university decreased from 62 per cent in 2007-2008 to 48.2 per cent in 2012-2013. The policies also led to the admission of more men than women in some specialties between 2013 and 2014. The Secretary-General encourages the Islamic Republic of Iran to allow girls to gain access to higher education on an equal basis with boys.

3. Women and public life

41. The Secretary-General welcomes the statements by the President that women must have opportunities, rights and social status equal to those of men and an improved participatory role in management. Significant efforts are required to achieve that goal. The international human rights instruments, especially the International Covenant on Economic, Social and Cultural Rights, to which the Islamic Republic of Iran is a State party, provide for equal rights between men and women, including the right to work.

42. According to the *Global Gender Gap Report 2014*, the Islamic Republic of Iran is ranked 139 of 142 countries in terms of female representation in the labour market globally, with a mere 17 per cent of women between 15 and 64 years of age actively engaged in the labour market. The same report also shows that the unemployment rate for women is almost twice as high as that for men (16.8 and 9.1 per cent, respectively). There has been a net decrease in the number of female employees from 3,691,000 in 2006 to 3,145,000 in 2015, an average loss of 100,000 jobs in each intervening year.

43. Women are underrepresented in decision-making positions. Currently, 3 per cent of parliamentarians are women and there is no female Cabinet minister. The judiciary has recruited female lawyers who can act as advisers to male judges in family courts. However, while women can be appointed to some judicial positions, such as counsellors and investigators, they are barred from acting as sitting judges who issue verdicts. In commenting on the present report, the authorities indicated that women were represented at the highest political level, with three women currently serving as vice-presidents. They also stated that women held high-level

public functions, including as parliamentarians, mayors, governors of provinces, advisers to ministers and directors general.

44. The above-mentioned comprehensive population and exaltation of family bill makes marriage a precondition for obtaining a licence from the Iranian Bar Association to practise family law. All private and public sectors are instructed to accord priority to the recruitment of men with children, followed by married men without children and only then women with children. Unmarried women are banned from public and private teaching positions and as members of faculties at universities and higher education institutions, with exceptions where there is no qualified married applicant available (see A/69/356, para. 70). Child marriage and repeated childbearing are encouraged as a means of boosting the population. If adopted, the text would have a negative impact on women's access to employment.

4. Family planning

45. The Secretary-General is concerned about restrictions on women's right to accurate and objective information on contraception. A proposed bill to increase fertility rates and prevent population decline would ban abortion and sterilization unless there was a risk to the health of the mother and/or child and impose harsh punishments on doctors performing such procedures. It also includes provisions that would prohibit information promoting contraception and reduced childbearing, with an exception for educational materials on preventing threats to the child's health.

46. The Secretary-General notes that the Islamic Republic of Iran has established consultative centres at the local and national levels to provide advice on family issues, including family planning, usually for free. Nevertheless, while an amount of 133 billion rials was allocated to the family and population planning programme in the 2012-2013 budget, the allocation was reduced to zero in the 2014-2015 budget.

E. Labour rights

1. Rights to freedoms of association and peaceful assembly

47. The Islamic Republic of Iran has not ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), or the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), of the International Labour Organization (ILO). Nevertheless, the Constitution and the Labour Law (1990) recognize the principle of freedom of association, the right to organize and collective bargaining.

48. On several occasions, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Committee on Freedom of Association of ILO have expressed concern over article 131 of the Labour Law, which enshrines organizational monopoly, thereby preventing trade union pluralism.

49. In June 2013, the Committee on Economic, Social and Cultural Rights noted that labour rights activists continued to face restrictions, arrest, conviction and detention on vaguely defined charges, while striking workers faced reprisals from the State and dismissal. Leaders of independent unions allegedly faced ill-treatment and torture during interrogations, as well as denial of medical treatment (see E/C.12/IRN/CO/2, para. 15). Bans imposed on the activities of the Syndicate of Workers of Tehran and Suburbs Bus Company, the Haft Tapeh Sugar Cane Company

Workers' Trade Union and the Teachers' Trade Association remained in place, owing to their non-affiliation to the confederation of Iranian trade unions. In commenting on the present report, the authorities stated that seven teachers' trade associations were active in the Islamic Republic of Iran and that one of their representatives had been appointed as an adviser to the Minister of Education.

2. Protection of wages: wage arrears

50. The serious issue of wage arrears in the Islamic Republic of Iran, combined with low wages, has led to recurrent and widespread protests. Between March 2014 and March 2015, there were at least 233 protests, in particular by teachers (whose wages fall below the official national poverty line) and factory workers.[25] Such protests have been met by increasingly severe crackdowns and reprisals, including the dismissal of workers who go on strike. Meanwhile, in its most recent report to the ILO Committee of Experts on the Application of Conventions and Recommendations, the Government indicated measures taken to alleviate the problem of wage arrears, including the adoption of a social protection scheme, and increased tripartite cooperation.

3. Discrimination based on religion and ethnicity

51. In 2013, the Committee on Economic, Social and Cultural Rights noted the continued application of the selection process (*gozinesh*) for employment based on religious and ethical standards under the Selection Law (1995) and expressed concern over its contravention of the principles of equality of opportunity or treatment in employment for persons belonging to ethnic and religious minorities (see E/C.12/IRN/CO/2, para. 12). The ILO Committee of Experts on the Application of Conventions and Recommendations raised similar concerns in 2015.

F. Right to fair trial and due process

52. Article 14 of the International Covenant on Civil and Political Rights sets forth international norms regarding fair trial and due process, but violations of fair trial rights continue to be widely documented at every stage of proceedings, including before and after trials, in the Islamic Republic of Iran. In many cases, suspects are often unaware of the charges against them or the charges are pronounced only when the suspects are presented before the court. Detention without charge, incommunicado detention, lack of access to lawyers and the handing down of heavy sentences after summary hearings are also reported patterns.

53. In addition, the judiciary's failure to comply with the codified procedural requirements of the Islamic Penal Code is preoccupying. Article 169 explicitly prohibits confessions taken under coercion, force, torture or mental or physical abuse. It is reported, however, that such confessions have been commonly relied upon by prosecutors and accepted as evidence in proceedings, in clear violation of the country's obligations under articles 7 and 14 of the International Covenant on Civil and Political Rights. For example, Reyhaneh Jabbari was executed on 25 October 2014 for the alleged murder of a former employee of the Ministry of Intelligence,

[25] See International Campaign for Human Rights in Iran, "Labor leaders detained in Iran as International Workers' Day approaches" (29 April 2015). Available from www.iranhumanrights.org/2015/04/international-workers-day/.

Morteza Abdolali Sarbandi, after confessing under duress and amid allegations of the court's failure to consider all relevant evidence. In that case and others, courts have frequently ignored allegations of torture and coercion, failing to take steps to investigate, notwithstanding the fact that article 171 of the Code requires investigation when any evidence contrary to the confession exists. State-controlled media have on multiple occasions broadcast confessions on television in advance of trials, flagrantly breaching the presumption of innocence. In commenting on the present report, the authorities argued that the Constitution and the Law on Citizens' Rights forbade all forms of torture and that confessions extracted through torture were inadmissible in judicial proceedings. They argued that, in the case of Ms. Jabbari, the court had issued a verdict in the light of the evidence and documentation, not on the basis of her confession.

54. The Secretary-General is concerned about alleged State interference with the Iranian Bar Association, which appears to be in violation of the Basic Principles on the Role of Lawyers, which provide for lawyers to form and join self-governing professional associations to represent their interests, prompt their continuing education and training and protect their professional integrity. The three-year ban from legal practice imposed by the Association upon an internationally recognized lawyer and human rights defender, Nasrin Sotoudeh, following her arbitrary detention in 2011 revealed improper pressure on the Association. This is the first decision of this type. Although the Association reduced the ban to nine months on 30 June 2015, the authorities have continued to harass and threaten individuals who showed solidarity with Ms. Sotoudeh during her eight-month protest at the premises of the Association. A formal appeal against the decision can occur only through the Disciplinary Court for Judges, a body that is responsible to the very judiciary that requested the suspension of her licence.[26] Furthermore, the bill of attorneyship submitted to the parliament in September 2014 contains provisions that would further encroach upon the independence of the Association. The Secretary-General calls upon the authorities to guarantee the independence of the Association.

G. Treatment of persons belonging to religious and ethnic minorities

55. The Secretary-General remains concerned by reports of persistent discrimination in the Islamic Republic of Iran against ethnic and religious minorities, often among the most vulnerable groups in society. He urges the Government to promote and uphold the rights of persons belonging to those groups and to respect the commitments made by the President and other high-profile officials to ensuring equality, upholding freedom of belief and religion, extending protection to all religious groups and amending legislation that discriminates against minority groups.

56. The authorities have not relaxed restrictions on members of the Baha'i community, who continue to face severe constraints on their professional activities, including the closure of their businesses. For example, 11 businesses were reportedly shut down on 24 May 2015 by the Office of Properties and City

[26] See International Federation for Human Rights, "Iran: judicial harassment against human rights lawyer Ms. Nasrin Sotoudeh" (20 October 2014). Available from www.fidh.org/International-Federation-for-Human-Rights/asia/iran/16268-iran-judicial-harassment-against-human-rights-lawyer-ms-nasrin-sotoudeh.

Development in Sari for being closed on a working day, which was a religious day for the Baha'i community.[27] Furthermore, between November 2014 and January 2015, 17 cases of home raids, confiscation of property and interrogation targeting members of the Baha'i community were recorded in Rasht, Esfahan, Mary Dasht, Kashan and Aligudarz. Between December 2014 and February 2015, seven members of the Baha'i community were reportedly arrested in Abadeh, Esfahan and Tehran on charges relating to proselytizing, spreading propaganda against the system and threats to national security. Materials relating to their faith were confiscated, as were computers and printers.

57. There were also incidents of desecration of Baha'i cemeteries and denial of burial rights to Baha'i individuals, purportedly on the orders of the authorities. The authorities reportedly prohibited the expansion of Baha'i cemeteries for new burials in Ahvaz in 2014 and would have authorized the desecration and destruction of the Baha'i cemetery in Shiraz.[28]

58. Ethnic minority groups also face restrictions on their rights to freedom of expression and peaceful assembly. For example, some 1,000 people were arrested on 17 March 2015 for protesting against the plight of an Arab from Khorramshahr, Younes Asakere, who set himself on fire in response to repeated harassment by the local authorities regarding the licence for his produce stand.[29] He died, allegedly after being denied appropriate medical treatment. Most of the protesters were reportedly released after signing a pledge. Moreover, from mid-March to April 2015, nearly 100 Ahwazi Arabs, including activists and several minors, were arrested and detained following peaceful protests organized in the lead-up to the tenth anniversary of the Ahwazi uprising.[30] In commenting on the present report, the authorities, disputing the above allegations, stated that Mr. Asakere had received adequate medical treatment but had died owing to the seriousness of his injuries. They added that the local authorities and non-governmental organizations had provided support to his immediate family after his death.

59. The Secretary-General calls upon the President to pay special attention to the plight and protection of Baha'i, Christian and Muslim minorities, as he pledged during his electoral campaign.

[27] See Iran Press Watch, "Eleven Baha'is' businesses closed in Sari" (2 June 2015). Available from http://iranpresswatch.org/post/12312/.

[28] See Baha'i World News Service, "Two months in the morgue: One facet of campaign to make Iranian Baha'is invisible" (29 December 2014). Available from http://news.bahai.org/story/1034.

[29] On 13 March 2015, the authorities reportedly confiscated his stand because it was unlicensed. On 15 March, he reportedly set himself on fire after having been denied a permit to operate his stand the previous day. Following his death, the authorities reportedly visited his family and warned them to remain silent about his death.

[30] In April 2005, Ahwazi Arabs took to the streets to protest against the Government's alleged policy aimed at changing the ethnic composition of Khuzestan Province. The protests, which lasted for two weeks, reportedly turned violent, with several protesters killed. Since then, Ahwazi Arabs commemorate the uprising by staging protests throughout the area.

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the treaty bodies

60. The Secretary-General notes with regret the Government's negative response to the many recommendations that it received during the second cycle of its universal periodic review regarding the ratification of international human rights instruments. The Islamic Republic of Iran rejected all 31 recommendations relating to the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court. It also rejected recommendations relating to its reservations to the Convention on the Rights of the Child (see A/HRC/28/12 and Add.1).

61. In July 2015, the Islamic Republic of Iran submitted its initial report to the Committee on the Rights of Persons with Disabilities (CRPD/C/IRN/1). It has not, however, submitted its twentieth to twenty-third periodic reports under the Convention on the Elimination of All Forms of Racial Discrimination, which were due in January 2014. It has also not submitted its comments regarding discrimination against women of minority origin, racial discrimination in the media and the establishment of a national human rights institution, which were due in 2011.

62. The Secretary-General encourages the Government to promptly provide the information requested by treaty bodies and to participate in constructive dialogues with those bodies to facilitate the review and improvement of the human rights situation in the country.

B. Cooperation with the special procedures of the Human Rights Council

63. The Secretary-General and the United Nations High Commissioner for Human Rights have frequently emphasized that it is important for the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and other special procedures mandate holders to visit the country so as to assess the human rights situation. Although the Special Rapporteur was able to meet representatives of the permanent missions of the Islamic Republic of Iran to the United Nations in Geneva and New York, as well as representatives of the judiciary, parliamentarians, officials from the Iranian High Council for Human Rights and other visiting delegations, the Government continues to refuse him admittance to the country.

64. On 16 March 2015, the Government invited the Special Rapporteur on the right to food to visit in 2015. It was the first invitation issued to a thematic mandate holder since 2005. The Secretary-General welcomes the development and encourages

the Government to also authorize visits to which it has agreed in principle, namely those by the special rapporteurs on extrajudicial, summary or arbitrary executions and freedom of religion or belief and the Working Group on Enforced or Involuntary Disappearances.

65. The Working Group on Enforced or Involuntary Disappearances has noted that it has transmitted 537 cases to the Government since its establishment and that 518 remain outstanding (see A/HRC/WG.6/20/IRN/2, para. 10). The authorities responded to 15 of 38 communications by special procedures mandate holders between January 2014 and June 2015. Most communications pertained to cases of torture and ill-treatment, executions, arbitrary arrest and detention of journalists and human rights defenders, persecution of religious minorities, unfair trials, denial of medical treatment of detainees and reprisals against individuals for their contacts with United Nations human rights mechanisms.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

66. OHCHR has continued to express human rights concerns in private meetings with the authorities and through letters and public statements, mainly in relation to the death penalty, freedom of expression and the rights of women.

D. Universal periodic review

67. The Secretary-General welcomes the active engagement of the Islamic Republic of Iran with the Working Group on the Universal Periodic Review by submitting its national report on the implementation of the recommendations resulting from the first review, in 2010, (A/HRC/WG.6/7/IRN/1) and by sending a high-level delegation for the interactive dialogue held on 31 October 2014. During the second cycle of its universal periodic review, the Government accepted 189 of the 291 recommendations made. Of the 161 recommendations that pertained to non-discrimination and civil and political rights, the Government supported 40 and noted 121. The Government argued that it could not accept some recommendations because they conflicted with the country's international commitments, were incompatible with constitutional laws and regulations or contained abusive language (see A/HRC/28/12/Add.1).

68. The Secretary-General encourages the Government to actively include civil society actors and other relevant institutions and organizations and seek support from the United Nations to effectively implement the recommendations.

IV. Recommendations

69. **The Secretary-General remains deeply troubled by the increased number of executions and reiterates his call upon the Government to introduce a moratorium on the use of the death penalty and to prohibit executions of juvenile offenders in all circumstances. He encourages the Government to work with the United Nations to restrict and ultimately abolish the death penalty in law and in practice. Pending such abolition, the Government should adhere to**

international human rights requirements, as stipulated in article 6 of the International Covenant on Civil and Political Rights, and grant amnesty, pardon or commutation of death sentences in all cases.

70. **The Secretary-General urges the Government to create space for human rights defenders, lawyers and journalists and to release political prisoners, including human rights defenders and lawyers, detained solely for legitimately exercising their rights to freedom of expression, association and peaceful assembly.**

71. **The Secretary-General welcomes the Government's invitation to the United Nations High Commissioner for Human Rights to visit the Islamic Republic of Iran. He encourages the Government to invite the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to visit the country and to fully cooperate with him.**

72. **The Secretary-General welcomes the achievements made by the Islamic Republic of Iran in the field of women's education and the President's emphasis on gender equality. He urges the Government to repeal discriminatory provisions of relevant laws in accordance with international standards, to develop national strategies to address harmful and violent practices against women and girls and to take practical measures to eliminate discrimination against women in all spheres of life.**

73. **The Secretary-General urges the Government to promote and protect the rights of all persons belonging to religious and ethnic minorities in the Islamic Republic of Iran and to address any form of discrimination against them.**

74. **The Secretary-General welcomes the Government's engagement with the human rights treaty bodies and urges it to follow up on the concluding observations of all treaty bodies and to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

75. **The Secretary-General welcomes the Government's active engagement with the Working Group on the Universal Periodic Review and calls upon it to ensure the implementation of all the recommendations that it has voluntarily accepted and to seek relevant technical assistance from the United Nations and other counterparts to support such efforts.**

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Item 37 of the provisional agenda*
The situation in the Middle East

The situation in the Middle East

Report of the Secretary-General

Summary

The present report contains replies received from Member States in response to the note verbale by the Secretary-General of 1 May 2015 concerning implementation of the relevant provisions of General Assembly resolutions 69/24, entitled "Jerusalem", and 69/25, entitled "The Syrian Golan"

* A/70/150.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 69/24 and 69/25. In its resolution 69/24, the Assembly stressed that a comprehensive, just and lasting solution to the question of the city of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by people of all religions and nationalities. In its resolution 69/25, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.

2. On 1 May, in order to fulfil my reporting responsibility under resolutions 69/24 and 69/25, I addressed notes verbales to the Permanent Representative of Israel and to the Permanent Representatives of all other Member States requesting them to inform me of any steps their Governments had taken or envisaged taking concerning the implementation of the relevant provisions of those resolutions. As at 17 August 2015, one reply had been received, from Brazil. The reply is reproduced in section II of the present report.

II. Replies received from Member States

Brazil

[Original: English]
[10 July 2015]

In accordance with Security Council resolution 478 (1980), Brazil does not recognize Jerusalem as the capital of the State of Israel, nor does Brazil recognize the so-called "basic law of Jerusalem". Brazil considers Jerusalem as part of the Occupied Palestinian Territories.

In 2010, Brazil recognized the State of Palestine, with its 1967 borders and East Jerusalem as its capital. Brazil has repeatedly defended the resumption of the peace process.

Brazil has constantly recalled, in the appropriate forums, that the Israeli occupation of the Occupied Palestinian Territories is illegal under international law and that Israel has to fulfil its international obligations as the occupying Power. According to article 49, of the Fourth Geneva Convention, for instance, the occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Brazil firmly supported the reconvening of the Conference of High Contracting Parties to the Fourth Geneva Convention in December 2014, at which, once again, the applicability of the Geneva Conventions to the Occupied Palestinian Territories was reaffirmed.

The Brazilian legislative decree by which the Free Trade Agreement between Brazil and Israel was approved determined that the Government shall negotiate the "exclusion, from the Agreement's coverage, of goods whose certificates of origin

attest as their origin sites under the Israeli administration since 1967", which includes not only the Occupied Palestinian Territories, but also the Syrian Golan. This issue is currently on the agenda of the Joint Committee established under the Agreement.

Brazil has repeatedly expressed its concern about the withholding of Palestinian customs duties by Israel, in disregard of the Paris Protocol on Economic Relations between the Government of the State of Israel and the Palestine Liberation Organization.